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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Second performance report of the International Criminal Tribunal for the Former Yugoslavia for the biennium 2002-2003

Report of the Secretary-General*

Summary

The second performance report of the International Criminal Tribunal for the Former Yugoslavia for the biennium 2002-2003 is submitted pursuant to resolution 57/288 of 20 December 2002. The report reflects a net additional requirement of $18.8 million over the revised appropriation for the biennium 2002-2003. The increased requirements include, inter alia, changes with respect to exchange rates ($20,399,300) owing to the weakening of the United States dollar vis-à-vis the euro and inflation ($3,755,900).

The General Assembly is requested to revise the appropriation for the biennium 2002-2003 to $288,322,200 gross ($254,603,800 net) to the Special Account for the International Criminal Tribunal for the Former Yugoslavia.

* The delayed submission of the present report was due to the extensive consultation required for its finalization.

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I. Introduction

1. The General Assembly, by its resolution 57/288 of 20 December 2002, approved a revised appropriation for the biennium 2002-2003 in the amount of $262,653,700 gross ($235,955,000 net).

2. The activities of the International Criminal Tribunal for the Former Yugoslavia are predominantly trial-based and hence most of the requirements are linked to the pace of trial activities. However, owing to a slower than anticipated pace of trial activities in the biennium 2002-2003, various objects of expenditure reflect a lower than anticipated level of requirements.

II. Explanation of the changes in net expenditure requirements

3. A net increase in requirements of $18,803,200 is shown in tables 1 and 2 below. Table 1 reflects the changes by organ. Table 2 reflects the changes by object of expenditure.

Table 1
Summary of estimated final requirements by component and main determining factors
(thousands of United States dollars)

		Projected changes				
Component	*Revised 2002-2003 appropriation*	*Rate of exchange*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2002-2003 final appropriation*
The Chambers	8 776.2	182.7	59.1	(35.8)	206.0	8 982.2
Office of the Prosecutor	81 890.7	5 707.4	1 362.4	7 414.5	14 484.3	96 375.0
Registry	171 986.8	15 394.5	2 363.1	(6 779.4)	10 978.2	182 965.0
Total (gross)	**262 653.7**	**21 284.6**	**3 784.6**	**599.3**	**25 668.5**	**288 322.2**
Income						
Staff assessment	26 698.7	885.3	28.7	5 905.7	6 819.7	33 518.4
Other income	154.4	-	-	45.6	45.6	200.0
Total (net)	**235 800.6**	**20 399.3**	**3 755.9**	**(5 352.0)**	**18 803.2**	**254 603.8**

Table 2

Summary of projected expenditures by object of expenditure and main determining factors

(thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised 2002-2003 appropriation*	*Rate of exchange*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2002-2003 final appropriation*
Expenditure						
Posts	115 782.9	10 668.8	1 018.3	8 891.7	20 578.8	136 361.7
Other staff costs	24 920.7	2 370.3	592.7	(4 410.3)	(1 447.3)	23 473.4
Salaries and allowances of judges	8 627.9	179.8	55.2	(31.9)	203.1	8 831.0
Consultants and experts	525.9	50.0	12.5	377.9	440.4	966.3
Travel	11 065.9	0.0	300.7	(2 836.2)	(2 535.5)	8 530.4
Contractual services	44 870.8	4 263.9	1 067.1	(4 958.1)	372.9	45 243.7
General operating expenses	19 476.4	1 852.3	463.2	(2 805.9)	(490.4)	18 986.0
Hospitality	10.2	1.0	0.3	(1.3)	0.0	10.2
Supplies and materials	2 921.0	277.0	69.8	(920.0)	(573.2)	2 347.8
Furniture and equipment	7 283.5	692.2	173.1	954.1	1 819.4	9 102.9
Improvement of premises	270.5	25.8	6.5	397.1	429.4	699.9
Grants and contributions	199.3	18.2	(3.5)	36.5	51.2	250.5
Staff assessment	26 698.7	885.3	28.7	5 905.7	6 819.7	33 518.4
Total (gross)	**262 653.7**	**21 284.6**	**3 784.6**	**599.3**	**25 668.5**	**288 322.2**
Income						
Staff assessment	26 698.7	885.3	28.7	5 905.7	6 819.7	33 518.4
Other income	154.4	-	-	45.6	45.6	200.0
Total (net)	**235 800.6**	**20 399.3**	**3 755.9**	**(5 352.0)**	**18 803.2**	**254 603.8**

A. Variations in budgetary assumptions

Rates of exchange and inflation (Increase: $25,069,200)

4. A net increase in the amount of $25,069,200 would be required to absorb the impact of changes in the exchange rates ($21,284,600) attributable mainly to the weakening of the dollar vis-à-vis the euro and inflation ($3,784,600). In the present report, in estimating the effect of exchange rate changes experienced in 2003, the realized exchange rates from January to October 2003, with the October rate applied

to November and December, have been used. With regard to inflation, the adjustments are based on the latest information available on consumer price indices as well as adjustments resulting from differences in actual post adjustment indices for staff in the Professional category and above, and actual cost-of-living adjustments of salary scales for staff in the General Service and related categories compared with the assumptions made in the revised appropriations. The higher increase for inflation in the office of the Prosecutor reflects the higher ratio of Professional to General Service posts in that organ as compared with the Registry. Details of the budgetary assumptions used in arriving at the foregoing figures are outlined in annex I to the present report.

B. Other requirements

Chambers

Table 3
Projected expenditures by object of expenditure and main determining factors
(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised 2002-2003 appropriation*	*Rate of exchange*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2002-2003 final appropriation*
Salaries and allowances of judges	8 627.9	179.8	55.2	(31.9)	203.1	8 831.0
Consultants and experts	30.5	2.9	0.8	(5.2)	(1.5)	29.0
Travel of representatives	117.8	-	3.1	1.3	4.4	122.2
Total	**8 776.2**	**182.7**	**59.1**	**(35.8)**	**206.0**	**8 982.2**

Salaries and allowances of judges (Decrease: $31,900)

5. The reduced requirements relate to the lower cost of salaries for judges, resulting mainly from the late arrival of the ad litem judges in 2002 and lower requirements for common costs of judges.

Consultants and experts (Decrease: $5,200)

6. The decrease is attributable to lower than anticipated payments for travel and daily subsistence allowance in respect of three amici curiae.

Office of the Prosecutor

Table 4
Projected expenditures by object of expenditure and main determining factors
(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised 2002-2003 appropriation*	*Rate of exchange*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2002-2003 final appropriation*
Expenditure						
Posts	51 476.9	4 383.4	829.2	6 708.2	11 920.8	63 397.7
Other staff costs	11 558.8	1 098.5	274.8	(732.3)	641.0	12 199.8
Consultants and experts	306.7	29.1	7.2	109.7	146.0	452.7
Travel	6 305.1	-	171.3	(2 127.1)	(1 955.8)	4 349.3
Contractual services	114.3	10.9	2.6	(12.9)	0.6	114.9
Staff assessment	12 128.9	185.5	77.3	3 468.9	3 731.7	15 860.6
Total (gross)	**81 890.7**	**5 707.4**	**1 362.4**	**7 414.5**	**14 484.3**	**96 375.0**
Income						
Staff assessment	12 128.9	185.5	77.3	3 468.9	3 731.7	15 860.6
Total (net)	**69 761.8**	**5 521.9**	**1 285.1**	**3 945.6**	**10 752.6**	**80 514.4**

Posts (Increase: $6,708,200)

7. The increase relates to additional requirements for salary costs ($1,803,100) and common staff costs ($4,905,100) that are attributable to vacancy rates and salary standards. The average vacancy rate for 2002 was 6.3 per cent (8.9 per cent for the Professional category and 3.6 per cent for the General Service category) and is 6.4 per cent for 2003 based on data up to October 2003 (8.3 per cent for the Professional category and 4.5 per cent for the General Service category). A total of 33 new posts (23 in the Professional category and 10 in the General Service and related categories) were established for the biennium 2002-2003. These posts were budgeted using a vacancy rate of 50 per cent for new Professional posts and 40 per cent for new General Service posts. However, the posts were filled by July 2002, thereby having an impact on the requirements for salary costs and common staff costs. With regard to salary standards, the realized common staff costs rate has been much higher than the budgeted rate. The overall increase in post requirements is also reflected in increased requirements under staff assessment offset by an equal amount recorded under income from staff assessment.

Other staff costs (Decrease: $732,300)

8. The projected savings under mission subsistence allowance ($1,106,600) are attributable to the lower than anticipated number of personnel stationed in the field. This has been partially offset by increased requirements under overtime ($374,300) for work undertaken by trial support staff. During the biennium 2002-2003,

leadership trials have required an unprecedented number of documents to be disclosed (e.g. in 2002 a total of 210,000 pages were disclosed for the Milosevic trial). These requirements and corresponding court deadlines have been met through the use of overtime resources.

Consultants and experts (Increase: $109,700)

9. The increase in requirements is attributable to the rise in the number of experts needed to support an ever-increasing number of complex leadership cases. Leadership trials require more expert testimony than simple crime-based trials in order to link a person in authority with crimes on the ground when the person was not directly involved in committing the crimes. To prove these links, political, military and even social structures come into play as well as concepts such as propaganda, disciplines such as statistical analysis of demographic movements and forensic science.

Travel (Decrease: $2,127,100)

10. The decrease in requirements is largely the result of the reassignment of investigators to trial work, therefore making them unable to carry out projected investigation missions. In addition, the actual duration (10 days budgeted vs. 7 days, on average, actual) and cost of each mission ($2,300 budgeted vs. $2,025, on average, actual) proved to be lower than the assumptions made in formulating the budget for the biennium 2002-2003. In addition, there has been greater reliance on the field offices to provide personnel and support.

Contractual services (Decrease: $12,900)

11. The reduction is attributable mainly to lower actual requirements for training.

Registry

Table 5
Projected expenditures by object of expenditure and main determining factors
(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised 2002-2003 appropriation*	*Rate of exchange*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2002-2003 final appropriation*
Expenditure						
Posts	64 306.0	6 285.4	189.1	2 183.5	8 658.0	72 964.0
Other staff costs	13 361.9	1 271.8	317.9	(3 678.0)	(2 088.3)	11 273.6
Consultants and experts	188.7	18.0	4 5	273.4	295.9	484.6
Travel	4 643.0	-	126.3	(710.4)	(584.1)	4 058.9
Contractual services	44 756.5	4 253.0	1 064.5	(4 945.2)	372.3	45 128.8
General operating expenses	19 476.4	1 852.3	463.2	(2 805.9)	(490.4)	18 986.0

Object of expenditure	Revised 2002-2003 appropriation	Projected changes: Rate of exchange	Projected changes: Inflation	Projected changes: Post incumbency and other changes	Projected changes: Total	Proposed 2002-2003 final appropriation
Hospitality	10.2	1.0	0.3	(1.3)	-	10.2
Supplies and materials	2 921.0	277.0	69.8	(920.0)	(573.2)	2 347.8
Furniture and equipment	7 283.5	692.2	173.1	954.1	1 819.4	9 102.9
Improvement of premises	270.5	25.8	6.5	397.1	429.4	699.9
Grants and contributions	199.3	18.2	(3.5)	36.5	51.2	250.5
Staff assessment	14 569.8	699.8	(48.6)	2 436.8	3 088.0	17 657.8
Total (gross)	**171 986.8**	**15 394.5**	**2 363.1**	**(6 779.4)**	**10 978.2**	**182 965.0**
Income						
Staff assessment	14 569.8	699.8	(48.6)	2 436.8	3 088.0	17 657.8
Other income	154.4			45.6	45.6	200.0
Total (net)	**157 262.6**	**14 694.7**	**2 411.7**	**(9 261.8)**	**7 844.6**	**165 107.2**

Posts (Increase: $2,183,500)

12. The increase relates to additional requirements for salary costs ($1,250,200) and common staff costs ($933,300) that are attributable to vacancy rates and salary standards. The average vacancy rate for 2002 was 6 per cent (6.1 per cent for the professional category and 6 per cent for the General Service category) and is 6.9 per cent for 2003 based on data up to October 2003 (7.1 per cent for the Professional category and 6.8 per cent for the General Service category). A total of 57 new posts (22 in the Professional category and 35 in the General Service and related categories) were established for the biennium 2002-2003. These new posts were budgeted using a vacancy rate of 50 per cent for Professional posts and 40 per cent for General Service posts. However, the posts were filled in the second half of 2002, therefore having an impact on the requirements for salary costs and common staff costs. With regard to salary standards, the realized common staff costs rate has been much higher than the budgeted rate. The overall increase in post requirements is also reflected in increased requirements under staff assessment offset by an equal amount recorded under income from staff assessment.

Other staff costs (Decrease: $3,678,000)

13. The net reduction is attributable to reduced requirements under mission subsistence allowance ($927,300), temporary assistance for meetings ($3,399,900) and overtime ($364,700), partly offset by additional requirements under general temporary assistance ($1,013,900).

14. The reduced requirements under mission subsistence allowance are attributable to the lower than anticipated number of personnel stationed in the field. With respect to temporary assistance for meetings, this grouping includes temporary assistance

for conference interpretation, field interpretation, translation and French court reporting services. The projected reduction under this heading is attributable to the lower than anticipated trial activity for the biennium 2002-2003. In addition, savings are projected under French reporting services.

15. Provisions were made in the biennium 2002-2003 for French reporting services under temporary assistance for meetings (TAM). Up to May 2003, French court reporting services were performed by individual freelance court reporters under short-term appointments charged to TAM. This arrangement, while generally effective, has over the years proven to be costly and has placed a significant administrative burden on the Tribunal to administer the numerous travel and contracts of the court reporters. In order to deal more efficiently and provide a more cost-effective solution, in late 2002 a bidding exercise was launched for the service to be performed by commercial services, as is the case for English verbatim services. Arrangements were put in place in this regard in May 2003 and expenditures are accordingly charged against contractual verbatim reporting rather than TAM.

16. With regard to field interpretation, reduced requirements under TAM are also projected in the light of the decision taken by the Tribunal in April 2002 to recruit a team of local interpreters at its field offices against general temporary assistance (GTA) resources. These locally recruited interpreters handle part of the requirements for field interpretation, thus allowing the Tribunal to reduce the use of short-term interpreters for field missions charged against TAM.

17. Savings under overtime are the result of continuous and rigorous monitoring of overtime requirements over the biennium.

18. The increased requirement under GTA is attributable to three factors: (a) liabilities arising from an appeal lodged by staff which resulted in retroactive payments for staff charged against GTA funds; (b) additional requirements in relation to the Judicial Database project, which was not foreseen at the time of the preparation of the budget for the biennium 2002-2003, and (c) requirements for the team of field interpreters referred to in paragraph 16.

Consultants and experts (Increase: $273,400)

19. The additional requirements under this heading are largely attributable to the higher than budgeted number of expert witnesses travelling to The Hague. The provisions under ad hoc experts were intended to cover the costs related to an estimated 30 expert witnesses called to testify before the Court. However, in connection with the number of complex leadership cases requiring additional expert support, 66 experts have already travelled to The Hague as of August 2003 and a total of 70 experts are projected for the full biennium.

Travel (Decrease: $710,400)

20. As a result of the lower than anticipated trial activity during the biennium 2002-2003, the number of witnesses and accompanying dependents expected to travel during the biennium is approximately 1,300 as compared to 1,800 used in

arriving at the 2002-2003 budget estimates. Hence, the lower requirements under travel of victims and witnesses ($878,400). This is partially offset by increased requirements under travel of staff ($147,400) of the Registry for judicial travel and to support field operations.

Contractual services (Decrease: $4,945,200)

21. The reduction is composed of decreased requirements for the following: defence counsel ($4,651,000), owing to a reduced number of detainees and the application of the revised payment system for trials adopted as of July 2002; verbatim reporting ($671,100), attributable to lower requirements for French and English language verbatim reporting owing to lower than anticipated trial activity; contractual translation ($280,800), as a result of lower documentation; training ($139,600); data-processing services ($49,700); and other contractual services ($35,700). The reduction is partly offset by increases in detention services ($751,200), as a consequence of the greater increase in the unit costs per cell in the Scheveningen penitentiary complex than had originally been estimated, and photo-visual materials ($131,500) in relation to the preparation of maps and photos for complex high-level cases, such as the Milosevic trial.

General operating expenses (Decrease: $2,805,900)

22. The overall savings are comprised of reductions under rental of premises ($1,271,100), rental of office equipment ($380,700), rental of vehicle ($270,800), communications ($531,400), maintenance of various equipment ($309,400) and other miscellaneous services ($356,400), partly offset by an increase under utilities ($313,900).

23. With respect to rental of premises, the projected reduction in requirements relates to savings on the rental charges for both the Main and Third buildings during 2002. A rental credit of approximately $341,700 was received for the Main building (as per the provisions of the original lease agreement) and the Third building rental costs have been less than budgeted owing to a late occupancy rate. In addition, requirements under supplies to maintain premises and cleaning of premises were reduced.

24. The increase in requirements under utilities reflects the higher usage of heating, ventilation and cooling systems, as well as electricity requirements than had been estimated.

25. Savings under rental of office equipment reflect the need for fewer photocopiers than originally anticipated. As concerns rental of vehicles, the decrease is mainly due to the use of temporary assistance drivers for transportation services between all three buildings with a vehicle redeployed from the field office, in lieu of contracting a commercial bus line to provide such services, as originally envisaged in the 2002-2003 budget.

26. As concerns communications, improvements in satellite communications and reduced rate structures resulted in substantial savings.

27. Under maintenance of equipment, savings were realized owing to fewer repairs being required on various office equipment and lower maintenance costs of vehicles as a result of the fleet being relatively new. With respect to other miscellaneous

services, the savings relate to lower claims and medical services from detainees and witnesses.

Supplies and materials (Decrease: $920,000)

28. Reduced requirements for supplies and materials reflect, inter alia, the increased use of disclosure of evidence in electronic form and lower than forecast requirements for forensic supplies and supplies for two-way radio and Inmarsat communications components in the field offices.

Furniture and equipment (Increase: $954,100)

29. The increase in requirements is related to data-processing equipment and software ($833,200), audio-visual equipment ($219,500), security and safety equipment ($144,700) and communications equipment ($170,600), partly offset by decreased requirements for furniture and fixtures ($371,300) and vehicles ($42,600).

30. The higher requirements for data-processing equipment and software is attributable to the implementation of critical applications in both the Office of the Prosecutor and the Registry intended to rationalize and expedite proceedings (e.g. automating the presentation of documentary and video evidence in court, facilitating the electronic disclosure of material to the defence and utilizing computerized research tools for the finding of jurisprudence (Judicial Database project). The introduction of these automated systems brought about higher than forecast costs for the Storage Area Network capacity, servers and related ancillary equipment as well as software applications.

31. With respect to audio-visual equipment, the additional requirement is related to the replacement of many of the key courtroom components that have reached the end of their useful life as well as the costs of re-engineering the courtrooms to maximize the efficiency of the proceedings and to support the introduction of the new automated applications. Furthermore, additional communication equipment was needed to upgrade and replace ageing telephone and fax equipment and to cover additional requirements in support of the increased use of video teleconferencing at the Tribunal.

32. In compliance with the Office of the United Nations Security Coordinator minimum operating security standards for all organizations of the United Nations common system, additional security and safety equipment was purchased.

33. The decreased requirements under furniture and fixtures and vehicles are due to a longer than estimated life cycle of furniture and to the redeployment of vehicles from the field to The Hague in lieu of purchasing new vehicles.

Improvement of premises (Increase: $397,100)

34. The increase relates to additional work having been required in the Third (new) building, including electrical, construction and plumbing work. Additional projects were also undertaken in the Main building, including the installation of a closed-circuit television system required for security purposes and construction work on the cafeteria following a kitchen fire in 2002.

Grants and contributions (Increase: $36,500)

35. Rent and other services for the Sarajevo field office was originally budgeted under rental of premises. Following the closure of the United Nations Mission in Bosnia and Herzegovina, a new joint housing arrangement was introduced under the category with a commensurate reduction in resources under the rental of premises.

III. Action to be taken by the General Assembly

36. The General Assembly is requested to take note of the present report and revise the appropriation for the biennium 2002-2003 in the amount of $288,322,200 gross ($254,603,800 net) to the Special Account for the International Criminal Tribunal for the Former Yugoslavia.

Annex I

Budgetary assumptions

The following parameters were used in formulating the present proposed estimates for the final appropriation:

	Estimates used for the revised appropriation		*Proposed estimates for the final appropriation*	
Budget parameters	*2002*	*2003*	*2002*	*2003*
Rate of exchange (US$ 1: €)	1.076	1.076	1.073	.901
Rate of inflation (percentage)	3.4	2.3	5.3	2.0
Post adjustment multiplier at The Hague (percentage)	9.9	11.6	10.07	32.7

Annex II

Trial activity during the biennium 2002-2003

1. The proposed programme budget for the biennium 2002-2003 was based on the assumption that the Tribunal would increase its trial capacity by 20 per cent from five to six active trial chambers following the appointment of the three remaining ad litem judges in 2002. On this basis, using the three courtrooms available, it was estimated that the number of court sessions would increase by 20 per cent over 2001 estimates, resulting in 2,328 court sessions per year (4,656 for the biennium).

2. Based on statistics, the Tribunal estimates that the number of court sessions in the biennium 2002-2003 will be 3,402. While this estimate represents an increase of some 15 per cent over the 2,982 sessions realized in the biennium 2000-2001, the Tribunal was not able to meet its ambitious target of 4,656 court sessions for the biennium 2002-2003 (representing 100 per cent of available court time) owing to the statutory time frames of the rules of procedure and evidence as well as reasons beyond its control.

3. With the addition of the three remaining ad litem judges, the Tribunal was in a position to conduct six concurrent trials. However, two of the three additional ad litem judges only joined the Tribunal as of April 2002 and therefore for the first three months of the year, the Tribunal was only able to conduct a maximum of five trials. As a result, the number of sessions estimated at the time of preparation of the 2002-2003 budget included three months of trial activity that did not take place.

4. For the period from January to March 2002, owing to the submission of new evidence at the last stage of the Vasiljevic trial that required additional time for review by the parties, there were delays in closing the proceedings and hearings could not be held on a daily basis.

5. The Milosevic case had to be adjourned for six weeks in total owing to the illness of the accused during the period from January 2002 to August 2003. Following the completion of the prosecution's case in relation to Kosovo, the Trial Chamber adjourned for two weeks to allow the prosecution and the defence to organize their presentation in connection with the Croatian and Bosnian components of the indictment.

6. The Galic case was adjourned for three weeks in October-November 2002 to allow the defence time to prepare its case following the completion of the prosecution's case. The Galic trial case had three days of closing arguments and finished on 9 May 2003. Since that date the Trial Chamber has been engaged in writing the judgement. This Trial Chamber was scheduled to start the Krajisnik case in mid-May 2003. The Stakic case was adjourned for one month in August 2002 under similar circumstances.

7. Because of the illness of the lead counsel in the Brdanin case and problems in the appointment of a new co-counsel, there was a two-month delay in the court proceedings.

8. During the months of January through April 2003, the Trial Chamber was engaged in preparing the judgement in the case of Martinovic/Naletilic. This Trial Chamber started the Blagojevic case (new case) in May 2003.

9. The Stakic defence case finished in March 2003. Closing arguments in that case were held for two days in April 2003. From April 2003 to 30 July 2003, the Trial Chamber was engaged with writing the judgement. This Trial Chamber was scheduled to commence the Mrda case in mid-July 2003. However, the accused entered a guilty plea on 24 July 2003. The Simic trial had three weeks' delay in total during the period from January 2003 to 4 July 2003 because of problems in the organization of witnesses by the defence, illness of one of the accused and illness of one of the judges of the Trial Chamber. For the period from 6 March to 15 April 2002 the Simic case had to be adjourned owing to the illness of an ad litem judge. This judge could not resume work for health reasons and had to be replaced on 15 April by a new ad litem judge so that the trial could proceed. The Simic trial case finished on 4 July 2003 and the Trial Chamber is engaged in writing the judgement.

10. The Krajisnik case was scheduled to start on 6 May 2003. Owing to the suspension of the lead counsel of the accused, from the New York bar association, prior to the commencement of the trial, the case was cancelled, as the lead counsel could not be retained for the accused. Further delays in the case were caused by problems with assigning a new lead counsel to the accused. The trial is presently scheduled to start in February 2004.

11. In the Blagojevic et al. (4 accused) case, 1 of the 4 accused pleaded guilty on 7 May 2003. The case proceeded on 14 May 2003. However, on 21 May 2003 another accused pleaded guilty. Owing to the guilty pleas of 2 of the 4 accused, the trial proceedings in the case of the remaining 2 accused (i.e. Blagojevic and Jokic) was delayed until 7 July, as the accused Blagojevic contested the appointment of his lead counsel. The trial proceedings were again stayed on 24 July 2003 to await the decision of the appeals chamber in an appeal initiated by the accused Blagojevic in relation to his lead counsel. The case resumed on 19 September 2003.

12. In 2003, 6 accused pleaded guilty. While this is a positive trend for the Tribunal, certain short-term delays were experienced in the processing of these pleas and the rescheduling of pending cases.

13. Finally, the preparation of judgements in connection with cases scheduled for completion during the biennium required considerable work outside the courtrooms.

Annex III

Voluntary contributions and trust fund activities

1. The General Assembly, in its resolutions 49/242 B of 20 July 1995 and 53/212 of 18 December 1998, invited Member States and other interested parties to make voluntary contributions to the International Criminal Tribunal for the Former Yugoslavia both in cash and in the form of services and supplies acceptable to the Secretary-General. As at 31 August 2003, cash donations of approximately $40.2 million, pledges of a further $648,500 and in-kind contributions valued at approximately $7,000 had been received by the Voluntary Fund to support the activities of the International Criminal Tribunal. For the period from 1 January 2002 to 31 August 2003, the Tribunal received approximately $6.2 million in voluntary cash contributions.

2. Voluntary contributions have been utilized to support the Tribunal's prosecution and investigation activities, such as operations in Kosovo; to review cases through the Rules of the Road project; to assist victims and witnesses; the Outreach Programme; and to procure equipment, books and periodicals for the library. The status of voluntary cash contributions to support the activities of the Tribunal, as at 31 October 2003, is reflected in the following table:

Cash contributions to the Voluntary Fund, by contributor, as at 31 October 2003

(Thousands of United States dollars)

Contributions from inception to 31 December 2001	33 993.8
Contributions from 1 January 2002 to 31 October 2003	
United States of America	3 655.0
European Commission	1 638.8
Germany	319.7
Canada	256.9
Norway	199.4
United Kingdom	179.0
Switzerland	178.5
Netherlands	150.0
Luxembourg	44.2
Italy	30.2
Organization for Security and Cooperation in Europe	24.9
Poland	12.0
Hungary	10.0
Greece	10.0
Refund	(464.1)
Subtotal	**6 244.5**
Total	**40 238.3**

Cash pledges to the Voluntary Fund, by contributor, as at 31 October 2003

(Thousands of United States dollars)

European Commission	Balance (1999 grant)	159.6
European Commission	Balance (2000 grant)	36.5
European Commission	Balance (2001 grant)	264.0
European Commission	Balance (2002 grant)	137.8
Bosnia/Herzegovina	Rules of the Road project	45.5
Canada	Balance (Macedonia Investigations)	3.6
German Bar Association	Library	1.5
Total		**648.5**

3. In-kind contributions received for the biennium 2002-2003 included 12 television monitors from the Scottish Court valued at $7,000, which have supplemented those currently in use by the Tribunal to broadcast Tribunal activities.

Projected expenditures by object of expenditure

(Thousands of United States dollars)

	2002-2003 estimates (1)	*Revised 2002-2003 estimates (2)*	*Increase (decrease) (4)*
Posts	1 166.5	1 521.2	354.7
Other staff costs	3 361.3	9 969.9	6 608.6
Consultants and experts	17.2	42.2	25.0
Travel	260.9	483.3	222.4
Contractual services	314.1	155.1	(159.0)
General operating expenses	47.9	39.0	(8.9)
Supplies and materials	344.7	275.0	(69.7)
Furniture and equipment	180.0	69.4	(110.6)
Total	**5 692.6**	**12 555.1**	**6 862.5**

4. The increase is due to the receipt of voluntary contributions for additional extrabudgetary activities undertaken by the Tribunal in the biennium 2002-2003, which were not foreseen at the time of preparation of the 2002-2003 estimates, such as the Macedonia Investigations project. The variance is also due to a higher than expected response in the same biennium to the Tribunal's appeal for voluntary contributions for the Rules of the Road project and the Outreach Programme.

5. The voluntary contributions have been utilized in support of extrabudgetary activities which include, inter alia, Rules of the Road, library, Kosovo operations, prosecution support, Macedonia Investigations and administrative backstopping.

United Nations A/58/594–S/2003/1090

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Security Council

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General Assembly
Fifty-eighth session
Agenda items 24, 42, 43, 48, 73 (b), 94, 106, 109, 112, 113 and 117

Implementation of the resolutions of the United Nations

Follow-up to the United Nations Year for Cultural Heritage

Return or restitution of cultural property to the countries of origin

Fifty-fifth anniversary of the Universal Declaration of Human Rights

General and complete disarmament: prohibition of the dumping of radioactive wastes

Environment and sustainable development

Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family

International drug control

Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Promotion and protection of the rights of children

Human rights questions

Security Council
Fifty-eighth year

Letter dated 12 November 2003 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Exactly 10 years ago, on 12 November 1993, the Security Council adopted resolution 884 (1993), in which the Council, while reaffirming the sovereignty and territorial integrity of the Republic of Azerbaijan, the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory, inter alia, condemned the occupation by the Armenian occupying forces of the

03-61382 (E) 211103

Zangelan district and the city of Goradiz of the Republic of Azerbaijan and demanded the unilateral withdrawal of the occupying forces from the Zangelan district and the city of Goradiz as well as from the other recently occupied areas of the Republic of Azerbaijan.

In an open and brazen defiance of the will of the international community, as clearly defined and expressed in four resolutions of the Security Council (822 (1993), 853 (1993), 874 (1993) and 884 (1993)), Armenia has for all these 10 years, enjoyed the deplorable atmosphere of impunity and continued with its State policy of consolidating the results of its aggression against Azerbaijan through the illegal occupation of almost one fifth of the territory of a sovereign Member State of the United Nations.

Azerbaijan has on several previous occasions drawn the attention of the United Nations to this grievous situation. While expressing our dismay and resentment over the fact that the United Nations and its Security Council have consigned the conflict between Armenia and Azerbaijan to oblivion, we still expect that the Council will find it possible to use its powers under the Charter of the United Nations to compel the occupying forces to immediately, unconditionally and completely withdraw from the occupied Azerbaijani territories.

In the light of the above, I have the honour to transmit herewith the report prepared by the Ministry of Foreign Affairs of the Republic of Azerbaijan (see annex), which sheds light on some of the results and consequences of the Armenian aggression against the Republic of Azerbaijan and recent developments in the occupied Azerbaijani territories.

I should be grateful if the present letter and its annex would be circulated as a document of the fifty-eighth session of the General Assembly, under agenda items 24, 42, 43, 48, 73 (b), 94 106, 109, 112, 113 and 117, and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative

Annex to the letter dated 12 November 2003 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Report on the results of Armenian aggression against Azerbaijan and recent developments in the occupied Azerbaijani territories

I. Introduction

It has been more than a decade that the Republic of Azerbaijan is suffering from the consequences of Armenian aggression, as a result of which 20% of its territories are under occupation. In its resolutions 822 (1993), 853 (1993), 874(1993) and 884(1993) the United Nations Security Council (UNSC) while reaffirming the territorial integrity of the Republic of Azerbaijan called for the immediate, complete and unconditional withdrawal of the occupying forces from all the occupied Azerbaijani territories. These resolutions have been completely ignored by Armenia, and today Azerbaijani territories are still under foreign occupation and are exposed to various unlawful and destructive activities. The Security Council in its resolutions 822 (paragraph 4), 853 (paragraph 13), 874 (paragraph 12) and 884 (paragraph. 8) requested the Secretary-General of the United Nations, the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) and the Chairman of the OSCE Minsk Conference to report to the Council on all aspects of the situation on the ground and on its development, and this provision has not been implemented either.

The present report prepared by the Ministry of Foreign Affairs of the Republic of Azerbaijan is designed to give an overview of the situation in the Nagorno-Karabakh region of the Republic of Azerbaijan and other occupied Azerbaijani territories and to shed lightto illegal activities perpetrated by Armenia in these territories, including also the damages inflicted on the socio-economic sphere, environment, natural resources, cultural property, etc.

II. Socio-economic damage caused by the aggression

The aggression against the Republic of Azerbaijan has severely damaged the socio-economic sphere of the country. Some relevant facts are shown below:

- In the occupied territories six cities, 12 town type villages, 830 settlements, 700 hospitals and medical facilities have been burned or otherwise destroyed;
- More than 150.000 houses and apartments (total of 9.1 million square miles) have been destroyed and looted;
- 4,366 social and medical buildings (including 693 secondary schools, 855 pre-schools, 4 sanatorium complexes and several other public health structures have been destroyed);
- 927 libraries have been plundered, some 4.6 million books and valuable manuscripts have been burned or otherwise destroyed;
- 6 state theatres, 368 clubs and 85 musical schools have been destroyed;

- 6,000 manufacturing, agricultural and other kinds of factories and plants have been pillaged;

- 1,200 km of irrigation system have been totally destroyed;

- flock of 244,000 sheep and 69,000 cattle have been driven out of the occupied territories to Armenia;

- 70% of summer pasture of Azerbaijan remains in the occupied zone;

- telephone exchanges for 35 thousand subscribers, 2,500 transformer stations and 15000 km of electric lines have been looted or stolen;

- 160 bridges, 800 km of roads, and 2,300 km of water pipelines, 2 thousand gas pipelines and 35 gas distribution stations have been destroyed;

- In 1993 only, 206,6 thousand cubic meter of valuable types of timber had been taken to Armenia.

According to the preliminary data, the overall damage inflicted on the Republic of Azerbaijan as a result of Armenian aggression exceeds 20 billion USD.

III. Damage to environment and natural resources

The Armenian occupied one-fifth of the territory of the Republic of Azerbaijan, are extremely rich in natural resources, i.e. out of invaded 1,230 000 ha – 595,600 ha are available for agriculture, 246,200 ha are forest areas, 10,100 ha are home-adjacent planted areas. In 1989-91, starting from the beginning of the conflict, damage inflicted on Azerbaijan's environment was estimated to constitute approximately US $ 4,73 millions.

At present, natural monuments of the occupied territories fail to be protected. Armenians have destroyed numerous significant monuments, among which there are two State Natural Reserves, 152 valuable tree species, 13197.5 ha of significant forest areas, five geological objects. The occupied Azerbaijani territories are being exposed to the large-scale dumping of industrial wastes of Armenia.

Flora and fauna

Upon the occupation of the Azerbaijani territories by Armenia, walnut, oak and other tree species were cut down and sold to foreign countries, and forests for cattle grazing were massively destroyed in some of the occupied regions. Some tree and shrub species, which were protected for many years such as yew-tree, Araz oak, Eastern plane, pomegranate, forest grapes, Buasye pear, box(-tree), Eldar pinewood, persimmon (date-palm), willow leafed pear, etc. are now on the edge of vanishing.

Armenian invaders mostly destroy forests and greens in the areas, which were under special protection of the Republic of Azerbaijan, for example, *Bashitchay* State Reserve in the occupied Zangilan region. This reserve is the second natural plane *(chinara)* reserve in the world, while being the first one in Europe. Some of the Eastern plane trees in the reserve are 1200-1500 years old, diameter of their trunk stretch to four meters, height to more than 154 meters. These giant trees, which have no analogue in Europe are being destroyed by Armenians. At present almost all valuable tree species are illegally exported by Armenia for sale.

In August, 2002 the employees of the Agdam Regional Ecology and Natural Resources Department of Azerbaijan drew up a report outlining that trees and shrubs had been completely vanished as a result of the arranged fires in the occupied Gulluce, Garvand, Goytapa areas of Agdam region.

The experts of the Azerbaijan's Regional Ecology and Natural Resources Department of Fizuli region observe occupied territories and prepare reports about the situation on the ground. The report drawn up by them on 5 September 2002, is a striking evidence of the purposeful fire made by Armenians in *Ergunesh* forest of the region. The fire spread around the area of 500 ha and the consequences of the fire include destruction of valuable trees and shrubs, and other losses in the inflicted area. Such fires also result in the eradication of fauna.

As mentioned by the reporters, who had been to Lachin and Khankendi, Armenians cut down red oak trees and sell them. The naturally-growing large-trunked walnut-trees in the above-mentioned regions are also cut down and sold to other countries for furniture manufacturing.

Dash-bashi and *Leshkar* forests were also exposed to fire in 1996. In autumn of the same year, the trees available-for-use in *Leshkar* forest area were completely cut down and taken away. Moreover, Armenians cut down the walnut trees planted in 1957-1958 and covering 55 ha of *Leshkar* forest area. While paving new roads in *Top* and *Shukurataz* forest areas in 1996-1997, the oak trees 350-400 years old age were also cut down and taken by Armenians.

Fauna of the occupied territories was also exposed to big losses. As a result of researches conducted with the purpose of animal-recording in the conflict-affected zone, including Kalbajar, Jabrail, Fizuli, Zangilan, Gazakh regions, *Lachin* and *Gubadly* State Reserves, *Geuy Gol* State Reserve, it was found out that within two years since the beginning of the war wild animals had considerably reduced as a result of illegal activities of Armenian invaders.

Natural resources

The richest deposits of mineral resources were also left in the occupied areas. There are 155 various kinds of mineral resources deposits in the occupied areas, including: five gold deposits, six mercury deposits, two copper deposits, one lead and zinc deposit, 19 deposits of face slab, 10 deposits of saw-stone, four deposits of raw material for cement, 13 deposits of various types of building stones, one deposit of raw material for soda, 21 deposits of pumice-stone and volcano ash, 10 deposits of clay, nine sand and rake deposits, five deposits of building sand, nine gypsum deposits, anhydride and plasterboard (sheetrock) deposits, one pearlite deposit, one obsidian deposit, three vermiculite deposits, 14 deposits of non-ferrous and ornamental stones (onyx, nephritoid, etc) 11 deposits of fresh groundwater, 10 deposits of mineral waters, which play great role in the economic potential of the republic. These deposits are being largely and illegally exploited by Armenia.

Lands

Out of 4,1 million ha of soil useful for agriculture (47, 7% of the whole area) 1.226.674 ha are occupied, whereas 139 336 ha of them are irrigated. 46 993 ha of the lands are for multi-annual vegetation, whereas 41444 ha of them are irrigated lands. There are 2470 ha of orchards and 41444 ha of vineyards. All areas, except those used by Armenians for planting, were destroyed.

Water resources

Water resources are also being exposed to considerable damage by Armenia. For example, 2.1 million cubes/day of contaminated water are directly spilled into Araz river without being regularly refined. Araz river is

contaminated mostly by tributaries running into it from the territory of Armenia and occupied Azerbaijani territories.

Chemically contaminated water of Gajaran copper-molybdenum and Gamis ore-refinery combines, as well as biologically contaminated water of Gafan and Gajaran towns, including villages, hospitals, agricultural entities in the territory of the Republic of Armenia are directly spilt into the territory of Azerbaijan via Oxchuchay river without being refined. The micro flora and fauna formulated in the river water for years have been destroyed, self-refining process has stopped and the river basin has turned into "a dead zone".

Certain factors such as soil, climate and the change in the flow regime seriously influence the formation of hydro chemical regime of the river water. This case causes specific concern in Araz Water Network. Due to the change in the flow regime, the water of Araz river has been converted from a hydro carbonated-chloride category to a chloride-hydro carbonated one.

IV. Damage to cultural property

As a result of Armenian aggression, cultural property of the Republic of Azerbaijan has also incurred irreplaceable losses. Numerous historical, cultural, religious monuments and pieces of arts have been removed from the occupied Azerbaijani territories by Armenian armed forces. Many of them were put on sale in the auctions and shops throughout the world. In the process of these operations the attributes of Azerbaijani cultural property, their national, geographical origins and identity have been changed.

The Museum of History of Kalbajar region with its unique collection of ancient coins, gold and silver wares, rare and expensive stones, carpets and other handicraft wares, the Museums of History in Shusha region, the unique Bread Museum of Agdam region, the Stone Monuments Museum of Zangelan region, as well as many others were plundered and destroyed. 500 historical, architectural and more than 100 archeological monuments, 22 museums (40 thousand museum pieces and exhibits), 9 historical palaces, 44 temples, 10 mosques, 4 art galleries have been left in the occupied territories of Azerbaijan and heavily damaged. Hundreds of ancient mausoleums and fortresses have been destroyed.

In Shusha region the 18th century Govhar-Aga mosque has been heavily damaged, other mosques in the occupied regions have been destroyed and burnt down. Many mosques have been turned into warehouses and depositories.

The occupation caused the leveling to the ground of the unique monuments of the Bronze Epoch – Khojaly Barrow Field that covered 50 hectares of land with more than 100 barrows. The Republic of Azerbaijan is deeply alarmed by the transformation of the Azykh Cave, a precious human prehistoric monument, which is one of the oldest cradles of the human civilization, into an ammunition dump. The fortune of Caucasian Albanian Round Temple and Khojaly Mausoleum of the 14th century also remains uncertain.

V. Illegal activities in the occupied territories

The conflict and the subsequent occupation of Azerbaijani territories have caused the emergence of "grey zones" illegally controlled by Armenia, which are being widely used for terrorist activities, money-laundering, illegal trafficking in drugs, arms and human beings. The occupied territories and the most of the districts situated in this region have a favorable climate and fertile lands for the cultivation of narcotic plants such as cannabis, hemp, which are subsequently used for the preparation of narcotic substances. Armenian illegal occupation includes also 130 km long portion of Azerbaijani's southern state frontier, and this occupied part is used for drug trafficking route

from Asia to Europe and is beyond any legal surveillance both at the national and international levels. This situation does not allow the Republic of Azerbaijan to effectively maintain the control over its territory and disrupts the normal economic growth and sustainable development of the country.

The National Bank of Armenia through illegally established financial entities in the occupied Nagorno-Karabakh region of Azerbaijan carries out money-laundering and other illegal financial operations with the involvement of some foreign banks. For example, the accounts of "Artsakhbank" under the license of the National Bank of Armenia were identified in the banks of some European countries and frozen upon the demand of the Republic of Azerbaijan. Unfortunately, some foreign banks still carry out illegal transactions and maintain the accounts of illegal financial entities operating at the occupied Azerbaijan's territories in violation of international law and the territorial integrity and sovereignty of Azerbaijan. The relevant national agencies of Azerbaijan conduct investigation on every such case. However, greater cooperation on the part of countries involved is needed as a contribution to the global campaign against money-laundering and financing terrorism.

Relations with illegal separatist regime acting at the occupied Nagorno-Karabakh region of the Republic of Azerbaijan are also carried out by foreign enterprises in other spheres. For example, an open joint stock company "Rostelekom" of the Russian Federation has allocated a new phone code "8-893" and started to carry out communication services to the illegal regime. Due to the demands of the Ministry of Communication of the Republic of Azerbaijan, illegal communication services by this company have been terminated. Nevertheless, recent investigations of the issue have revealed that illegal telephone communication services have been resumed.

There is some information that Armenia stores radioactive wastes from the Metsamor Nuclear Power Plant on the occupied territories of Azerbaijan, and some Western European companies construct storage facilities for this purpose. Such storages is reported to be established on the territory of Fizuli, Agdam, Lachin and Gubadly regions of Azerbaijan.

VI. Recent facts about the committed crimes and violation of cease-fire by Armenia

Armenia continues to violate the cease-fire established in May 1994. In summer of 2003 there has been an acute increase in the Armenian side's violations of the cease-fire. In addition to shelling and killing Azerbaijani soldiers along cease-fire lines, Armenians also attack civilians. The list below provides the recent examples:

- On 22 March 2003 Famil Mammadov (d.o.b. 1989), the resident of Qaymaqli village of Qazakh district and Sarxan Mammadov (d.o.b. 1988), the resident of Gendja city have been abducted by Armenian militants;

- On 12 May 2003, on the day of the ninth anniversary of the cease-fire between the warring parties, as a result of the violation of the cease-fire by Armenia, Husseyn Aliyev, the resident of Qapanli village of Terter district has been wounded;

- On 21 July 2003 Armenian armed militants have abducted Amil Jafarov (d.o.b.1987), and his herd of 235, which he was tending;

- On 9 August 2003 Armenian armed forces using large-caliber machine-guns have shot Qapanli village of Terter district from the occupied territories. As a result of the gunshot the hayrick of Safar Quliyev, the resident of the village has been burned, a school and several living houses have been damaged.

VII. Conclusion

This report highlights only some of the results and consequences of a more than a decade long aggression of the Republic of Armenia against the Republic of Azerbaijan. As seen from the content of the report, Armenians continue their attacks not only on military personnel during the cease-fire, but also on civilian population, fervently inflict damages on environment, cultural monuments and voraciously exploit the natural resources of the occupied Azerbaijani territories.

Lamentably commemorating the tenth anniversary of the Security Council resolutions on the Armenian-Azerbaijani conflict, it should be once again noted with enormous regret that none of these four resolutions has so far been implemented and their effect has never been transformed from a paper into practice. International community should not appease the unlawful acts of the aggressor, which is ambitious of achieving a forceful solution to the conflict through the violation of the norms and principles of international law. Therefore, the Republic of Azerbaijan once again calls on the Security Council to take more determined actions for ensuring the compliance with the provisions of its own resolutions and for compelling the aggressor to immediately, completely and unconditionally withdraw from all the occupied Azerbaijani territories.

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Security Council
Fifty-eighth year

Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

Prevention of an arms race in outer space

General and complete disarmament: notification of nuclear tests; reduction of non-strategic nuclear weapons; towards a nuclear-weapon-free world: the need for a new agenda; promotion of multilateralism in the area of disarmament and non-proliferation; implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction; transparency in armaments; conventional arms control at the regional and subregional levels; nuclear disarmament; reducing nuclear danger; United Nations conference to identify ways of eliminating nuclear dangers in the context of nuclear disarmament

Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly: Convention on the Prohibition of the Use of Nuclear Weapons

Letter dated 11 November 2003 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General

On the assumption by Chile of the chairmanship of the International Code of Conduct against Ballistic Missile Proliferation, also known as the Hague Code of Conduct, for the period from October 2003 to October 2004, I have the honour to transmit the attached letter from the Minister for Foreign Affairs of Chile, reporting on the current activities of the Hague Code of Conduct and the results of the second regular meeting of subscribing States, held at the United Nations in New York on 2 an 3 October 2003 (see annex).

03-61376 (E) 181103 201103

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the fifty-eighth session of the General Assembly, under agenda items 71, 72, 73 (a), (c), (d), (f), (p), (q), (s), (t), (x) and (z) and 74 (f) and of the Security Council.

(*Signed*) Heraldo **Muñoz**
Ambassador
Permanent Representative

Annex to the letter dated 11 November 2003 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General

[Original: Spanish]

Letter dated 5 November 2003 from the Minister for Foreign Affairs of Chile addressed to the Secretary-General

I have the honour to write to you on behalf of the 109 States signatories to the International Code of Conduct against Ballistic Missile Proliferation, also known as the Hague Code of Conduct, on the assumption by Chile of the annual chairmanship of this new multilateral political entity in the field of international security and disarmament.

As the Minister for Foreign Affairs of the Netherlands informed you on 30 January 2003, the Hague Code of Conduct (the text of which has been circulated as document A/57/724) was opened for signature in the Dutch capital on 25 November 2002, following a process of discussion and negotiation that was open to participation by all States concerned at the proliferation of ballistic missiles capable of delivering weapons of mass destruction. I am pleased to note that the subscribing States include States from all the regional groups recognized in the United Nations system, including 47 members or observers of the Movement of Non-Aligned Countries.

The States signatories to the Code, fully committed to the Charter of the United Nations, have proposed to confront the threats to security posed by the increasing proliferation of ballistic missiles capable of delivering weapons of mass destruction. Our goal is to curb and prevent the proliferation of ballistic missiles capable of delivering weapons of mass destruction, both at the global and regional levels, through multilateral, bilateral and national endeavours. The Hague Code of Conduct does not, however, exhaust the possible responses to these threats and, as a political mechanism, can coexist with other multilateral initiatives and mechanisms designed to achieve the same goal.

The Hague Code of Conduct operates as a standard-setting mechanism of a political nature. The obligations set out therein are politically binding and are designed, inter alia, to strengthen and promote the universality of all multilateral instruments and mechanisms for disarmament and non-proliferation, as specifically described in paragraph 2 of its operative part, which sets out the broad principles of the instrument.

The Code seeks to promote global security through political and diplomatic means, and the transparency measures set out in paragraph 4 represent the concrete contribution that subscribing States are currently making to international confidence-building.

The transparency and confidence-building measures implemented under the Code consist of: (a) the provision of information on any ballistic missile and expendable space launch vehicle programmes that may exist in subscribing States; and (b) pre-launch notifications for missiles and rockets covered by the Code. These confidence-building measures do not exclude others that subscribing States might

have agreed on previously or that they may develop or promote at the regional or bilateral level.

At the same time, subscribing States have undertaken to exercise maximum possible restraint in the development, testing, and deployment of ballistic missiles capable of delivering weapons of mass destruction. This commitment also includes, to the extent possible, the reduction of national stocks of such missiles for the promotion of international peace and security.

The subscribing States have also pledged to exercise the necessary vigilance to ensure that technical assistance and cooperation programmes do not contribute, even inadvertently, to the development of missile programmes associated with the development of weapons of mass destruction.

Without prejudice to the foregoing, the subscribing States adhere to the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries, adopted by the General Assembly in resolution 51/122, of 13 December 1996.

The subscribing States also agree that States should not be excluded from access to the benefits of space for peaceful purposes.

The Code has established a permanent secretariat, the immediate Central Contact, with services provided by the Government of Austria, through its Ministry of Foreign Affairs in Vienna.

The Hague Code of Conduct held its second regular meeting of subscribing States in New York on 2 and 3 October 2003, in tandem with the commencement of the work of the First Committee. The meeting was preceded by an outreach seminar also organized in New York by the outgoing chair, at which information was provided on the objectives, scope and mechanisms of our instrument, and an invitation was again extended to all those States that have not already done so to subscribe to the Code.

At the second regular meeting the subscribing States:

(a) Noted with satisfaction the increase in membership;

(b) Held a very fruitful discussion on the standardization and qualitative improvement of the annual declarations and pre-launch notifications of ballistic missiles and space launch vehicles with a view to the further enhancement of these transparency measures;

(c) Agreed on a mechanism for the timely circulation of communications related to confidence-building measures; and

(d) Agreed on a strategy of cooperation within the United Nations system that includes, inter alia, the submission of this activities report to you and extending an invitation to the United Nations Secretariat to participate as a special observer in the third regular meeting of subscribing States, which will take place in 2004 at a time and place to be determined.

The Hague Code of Conduct has thus completed its initial phase of consolidation, and is now entering into a phase of gradual strengthening of its political mechanisms and instruments, guided by flexible criteria.

I wish to conclude by assuring you that the subscribing States, in deciding to present this report, are motivated both by their multilateral mission, and by their spirit of transparency, and look forward to the early establishment of active ties of cooperation with the United Nations.

(*Signed*) María Soledad **Alvear Valenzuela**

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Fifty-eighth session
Agenda item 134
Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Transfer of buildings to the United Nations Logistics Base at Brindisi

Note by the Secretary-General

Summary

The present note contains a proposal for the acceptance of five additional buildings pledged by the Government of Italy in support of the United Nations Logistics Base at Brindisi.

The actions to be taken by the General Assembly are set out in paragraph 3.

03-61430 (E) 191103

1. The Government of Italy has indicated its willingness to transfer five additional buildings to the United Nations Logistics Base at Brindisi, Italy, with a total floor space of 1,760 square metres. The five buildings, which are located within the United Nations Logistics Base premises, have been identified in discussions with the Italian authorities with a view to accommodating the current operations and the Strategic Deployment Stocks assets. As part of an overall reconfiguration, the existing building and an additional five buildings will be used to house the United Nations Logistics Base headquarters since the existing building is too small to accommodate all the administrative sections, the Air Operations Unit, a canteen for staff at the Base and storage for assets and materials. The areas associated with these additional buildings will allow for a centralized storage area. The market rental value of the equivalent space, on an annualized basis, is estimated at $561,715. The alternative of constructing containerized offices would require additional funds estimated at $985,671.

2. Under the principles established in article V of the memorandum of understanding between the Government of Italy and the United Nations on exclusive use premises, the United Nations would renovate the five buildings at an estimated cost of $140,000. Thereafter, the cost of maintenance estimated at $15,000 per annum must be borne by the United Nations. The United Nations Logistics Base appropriation for the period 1 July 2003-30 June 2004 would absorb the additional costs associated with the renovation of the five buildings.

3. The acceptance of the five buildings, while being cost-effective overall for the organization, would involve an additional financial liability for the United Nations in respect of the cost of maintenance of the buildings. The approval of the General Assembly is therefore sought consistent with Financial Regulation 3.11.

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Fifty-eighth session
Agenda item 131
Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Second performance report of the International Criminal Tribunal for Rwanda for the biennium 2002-2003

Report of the Secretary-General*

Summary

The second performance report of the International Criminal Tribunal for Rwanda for the biennium 2002-2003 is submitted pursuant to resolution 57/289 of 20 December 2002. The report reflects the additional requirement of $4,517,100 gross ($4,392,200 net) over the revised appropriation for the biennium 2002-2003. The increased requirements include changes with respect to the combined effect of exchange rates and inflation ($7,499,600 gross ($7,497,500 net)), partially offset by decreases in post incumbency and other changes ($2,982,500 gross ($3,105,300 net)).

The Assembly is requested to revise the appropriation for 2002-2003 to $208,479,700 gross ($187,262,900 net) for the Special Account for the International Criminal Tribunal for Rwanda.

* The delayed submission of this report was due to the extensive consultation required for its finalization.

03-61447 (E) 191103

I. Introduction

1. The purpose of the second performance report on the budget for the International Criminal Tribunal for Rwanda is to provide an estimate of the final level of resources required for the biennium. The estimate is based on actual expenditures for the first 20 months of the biennium, projected requirements for the last 4 months and changes in inflation and exchange rates and cost-of-living adjustments as compared with the assumption made in the first performance report (A/57/481 and Corr.1), which was reviewed by the General Assembly at its fifty-seventh session and which formed the basis for the revised appropriation for the biennium 2002-2003.

2. The activities of the Tribunal are predominantly trial-based, and hence most of the requirements are linked to the pace of trial activities. However, due to the slower than anticipated pace of trial activities in the biennium 2002-2003, various objects of expenditure reflect a lower than anticipated level of requirements.

II. Explanation of the changes in net expenditure requirements

3. The estimates proposed in the present report reflect an increase of $4,517,000 gross ($4,392,200 net) as compared with the level of the revised appropriation approved by the General Assembly in its resolution 57/289 of 20 December 2002. The distribution of the projected changes and the proposed final appropriation for the International Criminal Tribunal for Rwanda for the biennium 2002-2003 are set out in tables 1 and 2.

Table 1
Summary of estimated final requirements by component and main determining factor
(Thousands of United States dollars)

		Projected changes				
Component	*Revised 2002-2003 appropriation*[a]	*Rate of exchange*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2002-2003 final appropriation*
Expenditure						
Chambers	5 009.1	(25.6)	33.7	250.2	258.3	5 267.4
Office of the Prosecutor	51 300.4	(1 110.5)	3 025.5	(1 828.8)	86.2	51 386.6
Registry	147 653.1	(2 847.5)	8 424.0	(1 403.9)	4 172.6	151 825.7
Total expenditure (gross)	**203 962.6**	**(3 983.6)**	**11 483.2**	**(2 982.5)**	**4 517.1**	**208 479.7**
Income						
Staff assessment	21 091.9	(131.8)	133.9	122.8	124.9	21 216.8
Total requirements (net)	**182 870.7**	**(3 851.8)**	**11 349.3**	**(3 105.3)**	**4 392.2**	**187 262.9**

[a] Includes commitment authority in the amount of $2,177,700 in accordance with General Assembly resolution 57/289.

Table 2
Summary of projected expenditures by object of expenditure and main determining factor
(Thousands of United States dollars)

Object of expenditure	*Revised 2002-2003 appropriation*	*Projected changes*				*Proposed 2002-2003 final appropriation*
		Rate of exchange	*Inflation*	*Post incumbency and other changes*	*Total*	
Expenditure						
Posts	124 325.4	(2 368.6)	8 901.3	(4 415.5)	2 117.2	126 442.6
Other staff costs	4 445.5	(118.7)	226.1	75.4	182.8	4 628.3
Salaries and allowances of judges	4 591.9	(25.6)	37.7	395.3	407.4	4 999.3
Consultants and experts	788.8	(30.7)	37.0	(120.6)	(114.3)	674.5
Travel of representatives	417.2	–	(4.0)	(145.1)	(149.1)	268.1
Travel	5 447.7	–	(53.2)	(1 275.5)	(1 328.7)	4 119.0
Contractual services	20 772.1	(674.5)	1 091.1	2 325.3	2 741.9	23 514.0
General operating expenses	12 352.7	(366.5)	627.6	107.3	368.4	12 721.1
Hospitality	6.5	(0.1)	0.3	(0.1)	0.1	6.6
Supplies and materials	3 147.0	(89.1)	161.8	(80.8)	(8.1)	3 138.9
Furniture and equipment	5 142.9	(138.8)	262.1	11.9	135.2	5 278.1
Improvement of premises	543.4	(15.6)	28.0	34.6	47.0	590.4
Grants and contributions	889.6	(23.6)	33.5	(17.5)	(7.6)	882.0
Staff assessment	21 091.9	(131.8)	133.9	122.8	124.9	21 216.8
Total expenditure (gross)	**203 962.6**	**(3 983.6)**	**11 483.2**	**(2 982.5)**	**4 517.1**	**208 479.7**
Income						
Staff assessment	21 091.9	(131.8)	133.9	122.8	124.9	21 216.8
Total requirements (net)	**182 870.7**	**(3 851.8)**	**11 349.3**	**(3 105.3)**	**4 392.2**	**187 262.9**

A. Variations in budgetary assumptions

Rates of exchange and inflation (increase: $7,499,600)

4. The increase in this category is attributable to the impact of changes in inflation ($11,483,200), offset by favourable rate of exchange ($3,983,600) of the United States dollar, primarily against the Tanzanian shilling and the Rwanda franc, during the period from January to October 2003, and the application of the October exchange rate for November and December 2003. With regard to inflation, the adjustments are based on the latest information available on consumer price indices as well as adjustments resulting from differences in actual post adjustment indices for staff in the Professional category and above and actual cost-of-living adjustments of salary scales for staff in the General Service and related categories compared with the assumptions made in the revised appropriations.

B. Other requirements

Chambers

Table 3
Projected expenditures by object of expenditure and main determining factor
(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised 2002-2003 appropriation*	*Rate of exchange*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2002-2003 final appropriation*
Salaries and allowances of judges	4 591.9	(25.6)	37.7	395.3	407.4	4 999.3
Travel of representatives	417.2	-	(4.0)	(145.1)	(149.1)	268.1
Total	**5 009.1**	**(25.6)**	**33.7**	**250.2**	**258.3**	**5 267.4**

Salaries and allowances of judges (increase: $395,300)

5. The increased requirements under this heading are attributable mainly to the extension of four judges beyond the expiry of their terms on 24 May 2003. By its resolution 1482 (2003), the Security Council decided that Judge Dolenc and Judge Ostrovsky, who had been replaced as members of the Tribunal, should finish the *Cyangugu* case, which had begun before their terms of office expired, before the end of February 2004, and that Judge Maqutu and Judge Pillay, also replaced as members of the Tribunal, should finish the *Kajelijeli*, *Kamuhanda* and *Media* cases before the end of December 2003.

Travel of representatives (decrease: $145,100)

6. The reduction in travel requirements can be attributed to the lower than anticipated pace of trials during the period under review, particularly the *Butare* and *Military I* cases, which resulted in fewer trips by judges between The Hague and Arusha in connection with appeals.

Office of the Prosecutor

Table 4
Projected expenditures by object of expenditure and main determining factor
(Thousands of United States dollars)

Object of expenditure	*Revised 2002-2003 appropriation*	*Projected changes*				*Proposed 2002-2003 final appropriation*
		Rate of exchange	*Inflation*	*Post incumbency and other changes*	*Total*	
Expenditure						
Posts	40 097.4	(1 043.3)	2 987.2	(1 036.4)	907.5	41 004.9
Consultants and experts	400.2	(19.6)	16.9	62.4	59.7	459.9
Travel	3 164.2	-	(30.8)	(390.3)	(421.1)	2 743.1
General operating expenses	629.7	(35.2)	25.4	(464.5)	(474.3)	155.4
Staff assessment	7 008.9	(12.4)	26.8	-	14.4	7 023.3
Total (gross)	**51 300.4**	**(1 110.5)**	**3 025.5**	**(1 828.8)**	**86.2**	**51 386.6**
Income						
Staff assessment	7 008.9	(12.4)	26.8	-	14.4	7 023.3
Total (net)	**44 291.5**	**(1 098.1)**	**2 998.7**	**(1 828.8)**	**71.8**	**44 363.3**

Posts (decrease: $1,036,400)

7. The decrease under this heading resulted primarily from the higher than standard vacancy rates experienced by the Office of the Prosecutor during the biennium 2002-2003. During 2002, the average vacancy rates were 19 per cent for Professional posts and 17 per cent for General Service posts, compared with the budgetary assumptions of 18 per cent and 12 per cent respectively. During the period from January to August 2003, average vacancy rates were 18 per cent for Professional posts and 14 per cent for General Service posts. The decreased requirements resulting from higher than standard vacancy rates were offset by increased requirements under common staff costs. As at the time of the preparation of the present report, a total of 38 posts (33 Professional and 5 General Service) remained unencumbered, reflecting actual vacancy rates of 19 per cent and 11 per cent for Professional and General Service posts respectively.

8. In its resolution 1503 (2003), the Security Council, noting the letter of the Secretary-General (S/2003/766) and convinced that the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda could most efficiently and expeditiously meet their respective responsibilities if each had its own Prosecutor, amended article 15 of the statute of the International Criminal Tribunal for Rwanda. In its resolution 1505 (2003), the Security Council appointed a Prosecutor of the International Criminal Tribunal for Rwanda with effect from 15 September 2003, for a four-year term following nomination by the Secretary-General. Subsequently, a position for the Prosecutor under general temporary assistance was created under the Registry to meet the

salary and related common staff cost requirements from 15 September to 31 December 2003.

9. Provisions under staff assessment amount to $7,023,300, reflecting a net increase of $14,400, which are offset under income from staff assessment.

Consultants and experts (increase: $62,400)

10. The increase in this category is due to the higher than expected number of expert witnesses and consultants anticipated to appear before the court. Four expert witnesses would be called for the *Government 1* and *Government 2* cases, which are expected to commence in November 2003. The four expert witnesses will make 10 trips to Arusha.

Travel (decrease: $390,300)

11. The decrease in requirements for travel is due partly to the low number of trips taken as compared with the projections for 2002-2003. Of the estimated 1,500 trips (including trips within Rwanda to support the trial teams in ongoing trials), only 45 per cent were actually undertaken owing to the slow pace at which the trials have progressed. With regard to the travel of the intelligence tracking teams, out of 91 investigation targets projected for 2002-2003, information about the whereabouts of 16 targets who are at large was not forthcoming. This has affected on the ability of the tracking team to launch its effort in full and track their movements. Moreover, the special investigation team, formed in the latter part of 2001 with extensive travel projected in the African and European regions, has undertaken less travel owing to the non-cooperation or less than the expected level of cooperation from Member States.

General operating expenses (decrease: $464,500)

12. The reduction is attributable mainly to lower actual requirements for the cost of relocating prosecution and defence witnesses to other countries and their sustenance. Only 8 actual prosecution witnesses, compared with a projected 26, and 25 defence witnesses against a projected 44, have been relocated thus far. Furthermore, owing to logistical problems, the planned field offices in Africa for the Special Investigations Unit have not been rented.

Registry

Table 5
Projected expenditures by object of expenditure and main determining factor
(Thousands of United States dollars)

Object of expenditure	*Revised 2002-2003 appropriation*	*Projected changes*				*Proposed 2002-2003 final appropriation*
		Rate of exchange	*Inflation*	*Post incumbency and other changes*	*Total*	
Expenditure						
Posts	84 228.0	(1 325.3)	5 914.1	(3 379.1)	1 209.7	85 437.7
Other staff costs	4 445.5	(118.7)	226.1	75.4	182.8	4 628.3
Consultants and experts	388.6	(11.1)	20.1	(183.0)	(174.0)	214.6
Travel	2 283.5	-	(22.4)	(885.2)	(907.6)	1 375.9
Contractual services	20 772.1	(674.5)	1 091.1	2 325.3	2 741.9	23 514.0
General operating expenses	11 723.0	(331.3)	602.2	571.8	842.7	12 565.7
Hospitality	6.5	(0.1)	0.3	(0.1)	0.1	6.6
Supplies and materials	3 147.0	(89.1)	161.8	(80.8)	(8.1)	3 138.9
Furniture and equipment	5 142.9	(138.8)	262.1	11.9	135.2	5 278.1
Improvement of premises	543.4	(15.6)	28.0	34.6	47.0	590.4
Grants and contributions	889.6	(23.6)	33.5	(17.5)	(7.6)	882.0
Staff assessment	14 083.0	(119.4)	107.1	122.8	110.5	14 193.5
Total (gross)	**147 653.1**	**(2 847.5)**	**8 424.0**	**(1 403.9)**	**4 172.6**	**151 825.7**
Income						
Staff assessment	14 083.0	(119.4)	107.1	122.8	110.5	14 193.5
Total (net)	**133 570.1**	**(2 728.1)**	**8 316.9**	**(1 526.7)**	**4 062.1**	**137 632.2**

Posts (decrease: $3,379,100)

13. The decrease under this heading is caused by the net effect of a consistently higher than standard vacancy rate. The budgetary assumptions included a vacancy rate of 18 per cent for the Professional category and above and 12 per cent for the General Service and related categories. During 2002, the average vacancy rates were 20 per cent for the Professional category and 13 per cent for General Service category. For the period from January to August 2003, the average vacancy rates were 18 per cent for the Professional category and 11 per cent for the General Service category, resulting in savings under this heading. The decreased requirements in salaries were offset by increased requirements under common staff costs. At the time of the preparation of the present report, a total of 89 posts (36 Professional and 53 General Service) remained unencumbered, reflecting actual vacancy rates of 18 per cent for Professional posts and 10 per cent for General Service posts.

14. Provisions under staff assessment amount to $14,193,500, reflecting a net increase of $110,500, which is offset under income from staff assessment.

Other staff costs (increase: $75,400)

15. The increase in requirements is attributed to general temporary assistance with respect to the new position of Prosecutor, established with effect from 15 September 2003.

Consultants and experts (decrease: $183,000)

16. The savings under this heading is attributable to the slow pace at which the trials progressed during 2002-2003, particularly the *Butare* and *Military I* cases. Out of the projected 32 expert witnesses, only 17 had arrived as at the end of August 2003, while an additional 4 witnesses are expected to arrive from September to December 2003 for the *Gacumbitsi* and *Ndindabahizi* cases.

Travel (decrease: $885,200)

17. As a result of the lower than anticipated trial activity during the biennium 2002-2003, the number of prosecution witnesses and accompanying dependants expected to travel during the biennium is approximately 108, as compared with 600 used in arriving at the 2002-2003 budget estimates. Furthermore, of the 315 defence witnesses to appear before the Court, only 270 actually travelled.

18. The decrease under travel of victims and witnesses is offset by increased requirements for the travel of the Registrar and his staff ($149,000) and increased requirements for the travel of internal audit staff from the Office of Internal Oversight Services ($45,300).

Contractual services (increase: $2,325,300)

19. The net increase in resources primarily reflects additional requirements for defence counsel fees ($2,380,800). The *Butare* and *Military I* cases have required more hours to be booked for the pre-trial and trial stages than had been projected initially. The increase is offset by lower than anticipated Internet charges ($16,800) and lower than estimated external audit costs ($38,200).

General operating expenses (increase: $571,800)

20. The net increase in resource requirements in this category results from higher landing fees and ground handling charges at both the Kigali and Arusha airports associated with the rental and operation of a fixed-wing aircraft ($270,600). The increase also reflects increases in communication ($385,300), freight ($184,400) and bank charges ($61,900). The increase is partially offset by savings totalling $330,400 arising from the decrease in requirements for the rental and maintenance of premises ($94,300), utilities ($220,600) and miscellaneous services ($25,000), namely maintenance services, licence fees and vehicle liability and repairs.

Supplies and materials (decrease: $80,800)

21. The reduced requirements under this heading pertain largely to the discontinuation of the online subscription to Lexis-Nexis for the library ($20,000), supplies and materials for the United Nations Detention Facility ($39,200) and communications spare parts ($75,500). Those reductions are offset by an increase under petrol, oil and lubricants ($43,900) and miscellaneous supplies ($10,000).

Improvement of premises (increase: $34,600)

22. The increase relates primarily to the cost of a peripheral fence and directional signboards.

III. Conclusion

23. The General Assembly is requested to take note of the present report and to approve the revised appropriation for the biennium 2002-2003 of $208,479,700 gross ($187,262,900 net) for the Special Account for the International Criminal Tribunal for Rwanda.

Annex I

Budgetary assumptions

The following parameters were used in formulating the present proposed estimates for the final appropriation:

	Duty station															
	The Hague (euro to US$ 1)				*Arusha (shilling to US$ 1)*				*Kigali (franc to US$ 1)*				*New York (United States dollars)*			
	Estimates used for the revised appropriation		*Proposed estimates for the final appropriation*		*Estimates used for the revised appropriation*		*Proposed estimates for the final appropriation*		*Estimates used for the revised appropriation*		*Proposed estimates for the final appropriation*		*Estimates used for the revised appropriation*		*Proposed estimates for the final appropriation*	
Budget parameters	*2002*	*2003*	*2002*	*2003*	*2002*	*2003*	*2002*	*2003*	*2002*	*2003*	*2002*	*2003*	*2002*	*2003*	*2002*	*2003*
Rate of exchange	1.07	1.07	1.07	0.90	960.60	977.40	961.51	1 034.15	466.30	481.00	467.92	528.93	1.00	1.00	1.00	1.00
Inflation rate (percentage)	3.4	2.3	5.3	2.0	2.6	2.6	7.1	4.6	2.6	2.6	5.8	5.0	1.9	2.2	2.0	2.1
Post adjustment multiplier (percentage)	9.9	11.6	10.1	32.7	7.6	6.6	8.9	20.6	12.1	14.6	13.0	20.1	42.7	46.7	42.8	46.8

Annex II

Trial activities during 2002-2003

1. From 1 July 2002 to 30 June 2003, nine trials involving 23 accused have been conducted. Judgements have been delivered in three cases involving four accused (Elizaphan and Gérard Ntakirutimana, Eliézer Niyitegeka and Laurent Semanza). In four trials involving eight accused, the presentation of evidence has been completed and closing arguments were heard in July and August 2003 (the *Cyangugu*, *Kajelijeli*, *Kamuhanda* and *Media* cases). Judgements in these four trials are expected in the last months of 2003.

2. Consequently, it is expected that by the end of 2003, the Tribunal will have rendered 15 judgements involving 21 accused since the first trials started in January 1997 (following the arrival of the first accused person in Arusha in the middle of 1996).[a] Two trials involving 10 accused are in progress (the *Butare* and *Military* cases).

3. The Tribunal has made preparations to ensure the early commencement of new trials in its third mandate, which began in May 2003. A New Trials Committee was established, composed of representatives from the Chambers, the Prosecution and the relevant sections of the Registry (the Court Management Section, the Language Services Section and the Defence Counsel Management Section) in order to ensure the necessary coordination towards this aim. It is anticipated that four new trials involving 10 accused will have commenced by the end of 2003. Consequently, at that point in time 31 accused will have had their trials completed or will have trials in progress.

4. Of the remaining 22 detainees, one was apprehended in 1999. His trial is expected to start in 2004. The other detainees have been in custody as follows: 4 accused since 2000; 5 accused since 2001; 10 accused since 2002; and 2 accused since 2003. The Tribunal is anxious to start trials involving these accused as soon as its judicial capacity allows it to do so. It should be noted that in the biennium 2004-2005, the most important and complex trials of the Tribunal will be continuing from 2003, possibly until the latter part of 2005. These are the *Butare* case (6 accused), the *Military 1* and *Military 2* cases (4 accused each) and the *Government 1* and *Government 2* cases (4 accused each).

5. In the *Ntakirutimana* case (Elizaphan and Gérard Ntakirutimana), evidence was heard in 57 trial-days and the judgement was delivered on 19 February 2003. Both accused were found guilty of grave crimes and were sentenced to periods of imprisonment.

6. In the *Niyitigeka* case (Eliézer Niyitegeka), the chamber began the trial and finished hearing all the evidence in 32 trial-days. Judgement in that case was rendered on 15 May 2003, and the accused was sentenced to imprisonment for the remainder of his life.

7. The appeals chamber has delivered two appellate judgements on the merits (in the *Bagilishema* and *Rutaganda* cases), 6 interlocutory appeal decisions and 19 other decisions and orders. One appeal on the merits is under consideration

[a] In the *Cyangugu* case, involving three accused, the chamber envisages delivering its judgement by the end of December 2003 or early in 2004.

(Elizaphan and Gérard Ntakirutimana). Notices of appeal have been filed in respect of two trial judgements (Eliézer Niyitegeka and Laurent Semanza).

8. The appeals chamber heard the appeal against the trial chamber judgement acquitting Ignace Bagilishema on all counts. The appeals chamber unanimously rejected the appeal and gave its reasons later. The appeals chamber also heard oral arguments in the appeal of *Rutaganda*, and its judgement is expected soon.

9. The appeals chamber also delivered some 24 interlocutory decisions and received the appeals of both the prosecution and the defence in the *Ntakirutimana* case.

10. The Office of The Prosecutor has revised future investigative plans down from the original number of 136 new suspects and will be investigating just 13 new suspects in each of the years 2004 and 2005, for a possible total of 26 accused. The Prosecutor intends to conclude his investigative programme by the end of 2004 and submit the resulting indictments in respect of a total of 26 individuals by the end of 2005. The Prosecutor has also identified 40 suspects whose prosecution he intends to defer to national jurisdictions for trial. By the end of 2003, the Office of The Prosecutor anticipates having presented 6 cases involving 39 accused during the last two years.

11. To date, the Tribunal has concluded agreements with four countries on enforcing the sentences of the Tribunal. Three of them were concluded with African countries (Benin, Mali, and Swaziland). France was the fourth signatory State. Negotiations are under way with other States to secure similar agreements.

Annex III

Voluntary contributions and trust fund activities

1. The General Assembly, in its resolution 49/251 of 20 July 1995, invited Member States and other interested parties to make voluntary contributions to the Tribunal both in cash and in the form of services and supplies acceptable to the Secretary-General.

2. To date, cash contributions to the Voluntary Fund to support the activities of the International Criminal Tribunal for Rwanda amount to $8,134,999. The details are provided in the table below.

Cash contributions to the Voluntary Fund as at 31 October 2003

(United States dollars)

Contributor	*Amount*
Belgium	2 705 450
Canada	734 850
Chile	1 000
Denmark	43 452
Egypt	1 000
Finland	182 983
Greece	20 000
Holy See	3 000
Ireland	237 704
Israel	7 500
Lebanon	3 000
Netherlands	2 995 531
New Zealand	34 792
Norway	49 983
Spain	150 000
Sweden	68 729
Switzerland	188 025
United Kingdom of Great Britain and Northern Ireland	372 000
United States of America	336 000
Total	**8 134 999**

3. Projected expenditures for the biennium 2002-2003 are set out in the table below. The variance between the initial and revised estimates is due to the low level of actual contributions received or pledged compared with the projected levels. While the efforts of the Tribunal to mobilize additional resources for the Voluntary Fund continue, only one Member State has contributed or pledged to contribute to the Fund during 2003. The overall level of resources of the Fund as at 31 October 2003 was $2,427,800.

Projected expenditures by object of expenditure

(Thousands of United States dollars)

Object of expenditure	*2002-2003 estimates*	*2002-2003 revised estimates*	*Increase (decrease)*
Posts	-	-	
Other staff costs	841.5	907.7	66.2
Consultants and experts	348.5	72.2	(276.3)
Travel	373.9	543.3	169.4
Contractual services	867.5	438.4	(429.1)
General operating expenses	-	344.7	344.7
Supplies and materials	42.1	50.7	8.6
Furniture and equipment	252.1	16.6	(235.5)
Fellowships, grants and contributions	-	-	-
Other	354.3	31.0	(323.3)
Total	**3 079.9**	**2 404.6**	**(675.3)**

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Programme budget for the biennium 2002-2003

Proposed programme budget for the biennium 2004-2005

Financing of the United Nations Mission in Côte d'Ivoire

Budget for the United Nations Mission in Côte d'Ivoire

Note by the Secretary-General

1. In its resolution 1479 (2003) of 13 May 2003, the Security Council decided to establish the United Nations Mission in Côte d'Ivoire (MINUCI) for an initial period of six months, with a mandate to facilitate the implementation by the Ivorian parties of the Linas-Marcoussis Agreement (S/2003/99, annex I).

2. In his report of 16 September 2003 (A/58/370), the Secretary-General presented the proposed budget for MINUCI for the period 13 May 2003-30 June 2004, amounting to $29,881,700 gross ($28,401,100 net). The Secretary-General, on the assumption that MINUCI would be a peacekeeping operation financed under the peacekeeping scale, went on to recommend that the Assembly take the following action:

(a) Establishment of a special account for MINUCI for the purpose of accounting for income received and expenditure incurred in respect of the Mission;

(b) Appropriation of the amount of $1,009,700, equal to the expenditure incurred for the period 13 May-30 June 2003 from the amount of $1,746,200 previously authorized by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) for that period in connection with the establishment of the Mission;

(c) Appropriation of the amount of $28,872,000, for the operation of the Mission for the 12-month period 1 July 2003-30 June 2004, inclusive of the amount of $12,234,400 previously authorized by ACABQ for the period 1 July-31 December 2003;

(d) Assessment of the amount of $1,009,700 for the period 13 May-30 June 2003;

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(e) Assessment of the amount of $10,666,600 for the period 1 July-13 November 2003;

(f) Assessment of the amount of $18,205,400 at a monthly rate of $2,406,000, for the period 14 November 2003-30 June 2004, should the Security Council decide to continue the mandate of the Mission.

3. In an exchange of letters dated 13 and 27 October 2003 between the President of the Security Council and the Secretary-General, the Secretary-General took careful note of the views of the Security Council that the Department of Peacekeeping Operations of the Secretariat should administer MINUCI as a special political mission for budgetary purposes and indicated that the matter had been transmitted to the President of the General Assembly in accordance with Article 17 (2) of the Charter of the United Nations (see A/58/535). In a letter dated 29 October 2003 from the President of the General Assembly to the Chairman of the Fifth Committee (A/C.5/58/12), the matter was transmitted to the Fifth Committee for its consideration.

4. In its resolution 1514 (2003) of 13 November 2003, the Security Council decided that the mandate of MINUCI would be extended until 4 February 2004.

5. Consequently, should the General Assembly decide that MINUCI should be financed under the regular budget, resources amounting to $13,865,700 gross ($13,414,500 net) for the period 13 May 2003-31 December 2003 would be required for appropriation under the programme budget for the biennium 2002-2003. This would be in addition to the requirements identified in the second performance report. Further, for the period 1 January-4 February 2004, resources amounting to $2,343,900 gross ($2,172,400 net) would arise under the proposed programme budget for the biennium 2004-2005, which would be met within the provision for special political missions already sought under paragraph 3.56 of the proposed programme budget for the biennium 2004-2005.

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Proposed programme budget for the biennium 2004-2005

Capital master plan

Report of the Secretary-General*

Summary

The Secretary-General is pleased to submit his first annual progress report on the implementation of the capital master plan, pursuant to paragraphs 31 and 34 of General Assembly resolution 57/292, section II. The report outlines the work undertaken in the context of the project during the year 2003 and provides details on the utilization of funds approved to date for project implementation.

* As the implementation of the capital master plan was authorized by the General Assembly at its fifty-seventh session, the issuance of the present report was delayed to permit the inclusion of details pertaining to the initial steps of the design phase.

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I. Introduction

1. The Secretary-General formally established the Capital Master Plan Office and appointed its Executive Director on 1 February 2003. At present, the total strength of the Office comprises nine Professional and higher and 11 General Service posts.

2. The overall schedule for the implementation of the plan is dependent on three interconnecting factors: the availability of funding, the availability of swing space and the progress of technical preparations. Progress has been made in all area, and all three remain coordinated although behind the initial schedule.

3. The progress made in the implementation of the plan is discussed below.

II. Status of possible funding arrangements

4. In the previous report (A/57/285), the date projected for availability of funding for the plan was October 2004, which assumed that construction funding would be resolved in 2003. Discussions are still ongoing with the host country regarding funding modalities. However, this process is expected to result in a funding proposal in early 2004, with possible funding availability for the plan in 2005. Should developments so merit, an interim report would be made to the Assembly prior to the regularly scheduled annual report, which is due to be submitted to the General Assembly at its fifty-ninth session.

III. Other contributions from public and private sources

5. Since the modalities for a financial package are still under consideration by Member States, the Secretary-General considers it premature to establish an advisory board or to approach other public and private sources for contributions to the capital master plan.

IV. Cooperation with the city and state of New York

6. In its resolution 57/292, the General Assembly welcomed the offer of support from the city and state of New York and acknowledged their efforts to make possible the implementation of the capital master plan.

7. The availability of swing space, i.e., the proposed new building, to be known as the UNDC5 building, is currently projected for the second half of 2007. Current activities on the schedule for UNDC5 include the design competition held to select the architect for the building, as discussed below.

8. The city of New York and the United Nations Development Corporation, in consultation with the United Nations, have made a decision to select an internationally known and respected architect for the design of the new building on the basis of a design competition. The architects to be considered were those who had previously been named as Pritzker Architecture Prize laureates. The Pritzker Prize has been awarded annually since 1979 to a living architect whose built work demonstrates a combination of talent, vision and commitment, which has produced consistent and significant contributions to humanity and the built environment

through the art of architecture.[1] The 22 living Pritzker Prize laureates represent 14 countries.

9. A selection group was created, consisting of three representatives each from the city of New York, the United Nations Development Corporation and the United Nations. Three finalists were selected through a series of qualification and interview steps, and they presented their conceptual designs on 30 September and 1 October 2003. The selection committee has made all its decisions by unanimous agreement and it is anticipated that an architect will be selected before the end of 2003. Subject to resolution of all funding matters and community issues, the United Nations Development Corporation plans to begin construction in the first half of 2005.

10. The city of New York continues to work with the local community on the mitigation measures which are an integral part of UNDC5 development.

11. Equally critical will be the date by which United Nations Development Corporation will be able to issue the bonds required to finance the construction of the UNDC5 building. The bonds are dependent on several factors, including the United Nations ability to sign a lease for the new building, which in turn is dependent on the funding for the capital master plan. If indeed a funding commitment is made by the General Assembly by October 2004, the current UNDC5 construction schedule would be maintained.

V. Progress of design work

12. A series of procurement steps have been undertaken in preparation for the detailed design development work for the capital master plan.

13. Following the decision to proceed according to the first approach,[2] an assessment was made as to the most effective way to contract for the detailed design work. A significant planning concern was that concentration of the responsibility for the design work in a single firm could cause delays during either the design period or the construction period because of the high volume of design or review work required in order to maintain the required schedule. It was also recognized that although a few disciplines would be universal to the entire complex, the seven buildings in question represented several very different building types. The overall design work was, therefore, broken down into separate projects.

14. Six major design contracts have been drafted, each including the duty to actively coordinate with the other design teams and each with the responsibility to set standards project-wide for the areas of their special expertise. The work is anticipated to begin in early 2004.

15. The next major procurement action, the selection of a programme management firm, will include the responsibility of checking inter-project coordination. The fees remain within the parameters cited in the report of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) on the capital master plan, including projections for the remaining contracts (A/57/7/Add.4). The programme management firm will be in place before major design submissions are made.

16. During 2003, design work was concentrated on three areas: methods of introducing natural light into the proposed new mid-sized conference rooms, methods of increasing available parking and related projects on the strengthening of

security at United Nations Headquarters (see General Assembly resolution 56/286). The results of design work for the first two of these areas are the subject of separate reports being submitted by the Secretary-General. Progress on related projects on the strengthening of security at United Nations Headquarters is described in paragraphs 17 to 23 below.

VI. Status of procurement activities

17. Over the period since the adoption of General Assembly resolution 57/292, the Capital Master Plan Office has entered into contracts with 21 vendors in the context of implementation of a design stage of the capital master plan project for both the project itself and for the projects relating to the strengthening of security of premises brought forward for implementation pursuant to General Assembly resolution 56/286. Contracts have been awarded for a total amount of $12.3 million; the details of procurement activities, by the country of origin of vendors, are contained in the annex.

VII. Related projects on the strengthening of security at United Nations Headquarters

18. In his report to the General Assembly on strengthening the security and safety of United Nations premises (A/56/848), the Secretary-General put forward a number of proposals based on threat assessments and analyses of critical functions carried out at United Nations Headquarters in New York and at the principal offices away from Headquarters.

19. Having considered the report of the Secretary-General and the related report of ACABQ (A/56/7/Add.9), by its resolution 56/286 the General Assembly appropriated $57.8 million for the implementation of the proposed measures worldwide, including one-time requirements for upgrading the physical and security infrastructures. The Assembly requested the Secretary-General to take all possible measures to ensure that the work within the projects approved for Headquarters be integrated with the capital master plan proposed in his initial report (A/55/117 and Add.1) to the extent possible. In this regard, paragraph 13 and annex II of that report identified the $17 million provision for the projects originally contained in the capital master plan but being brought forward for immediate implementation at Headquarters. Those projects are termed the "strengthening security projects", for which the capital master plan team provided design assistance to the Office of Central Support Services during the biennium 2002-2003. There are 10 consolidated strengthening security projects.

20. In 2003, on the establishment of the Capital Master Plan Office, the management of the strengthening security projects was transferred to the Office in order to better integrate the strengthening security projects with the implementation of the capital master plan.

21. The design concept of the strengthening security projects focuses on perimeter protection for the Headquarters complex, supported by an electronic access control system. The concept and the measures proposed to implement it reflect threat assessments, a security strategy in line with the Organization's emergency

preparedness plan, feedback from a conference of security experts convened in New York in October 2002, and inputs from the Facilities Management and Security and Safety Service networks during 2002/2003, as well as the application of recognized industry and government standards. Teams from the Office of Central Support Services, notably from the Security and Safety Service, the Information Technology Services Division and the Facilities Management Division, were closely involved in the development of design criteria and specifications.

22. Design development for the projects began in November 2002. Design and construction documents were completed in June 2003 and bids for construction invited in the same month. The deadline for receipt of formal bids was mid-September 2003. Following review, the contracts for construction are scheduled to be awarded in December 2003, in addition to contracts for construction administration and construction management. Construction is scheduled to begin in January 2004 and will last approximately 10 months, followed by a two-month period for commissioning and operational start-up.

23. The Capital Master Plan Office and the Office of Central Support Services have established a task team under the chairmanship of the Assistant Secretary-General for Central Support Services to ensure close coordination of effort for the projects. The Office of the United Nations Security Coordinator, the Department of Peacekeeping Operations and the Office of Internal Oversight Services participate in regular briefings and reviews of work in progress. Periodic videoconferences are conducted with the main offices away from Headquarters to ensure that all parties are aware of work in progress to strengthen security and safety at all locations and to share lessons learned. Particular attention is being paid to ensuring that the projects are integrated with contract F of the Capital Master Plan Office, which deals with security projects and initiatives; the selection process for architectural and engineering companies has been completed and contracts are currently being finalized for contract F.

VIII. Status of expenditures

24. By its resolution 55/238, the General Assembly appropriated an amount of $8,000,000 for the preparation of a comprehensive design plan and detailed cost analysis of the capital master plan. The provision was expended in the amount of $7,996,300, broken down as follows: contractual services ($7,517,700), general temporary assistance ($444,700), other operating costs ($33,900). The residual balance of that provision in the amount of $3,700 has been reported as savings to the General Assembly in the context of the second performance report for the biennium 2000-2001. Following the report of the Secretary-General (A/57/285), by its resolution 57/292 the General Assembly has further appropriated an amount of $25.5 million for the biennium 2002-2003 for design and related project management costs. To date, of that provision the amount of $16,870,300 has been committed for capital master plan implementation, including $2,083,600 for staff costs, $14,168,000 for contractual services, and $618,700 for equipment, furniture and other operating expenses of the Office. By the same resolution, the General Assembly also authorized the Secretary-General to enter into commitments of up to $26 million for the biennium 2004-2005 for the remaining work related to design, project management and management or pre-construction services. Conversion of the commitment activity into an appropriation will be sought in due course if

progress with the project implementation gives rise to a need for cash disbursements to be effected.

IX. Conclusions and recommendations

25. **The Secretary-General believes that tangible progress has been made in all areas of implementation of the capital master plan project. While there has been some delay against the initial time schedule, all areas are moving forward in a coordinated manner without a negative impact on the design phase. The final construction schedule will determine the actual completion date for the implementation of the capital master plan. The General Assembly may wish to take note of the present report.**

Notes

[1] For the purpose of the Prize, see www.pritzkerprize.com/purpose.htm.

[2] The first approach entails temporary relocation of most of the functions in United Nations Headquarters to a new building to be constructed by the United Nations Development Corporation immediately south of 42nd Street, thus enabling the refurbishment of the Headquarters complex to be performed in a minimum amount of time.

Annex

Status of procurement activities for the capital master plan

Country of origin of contractors	*Number of contractors awarded*	*Total value of contracts (United States dollars)*
Israel	1	46 800
Italy	1	8 520 400
United States of America	19	3 744 900
Total	**21**	**12 312 100**

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Fifty-eighth session
Agenda item 59
Strengthening of the United Nations system

Improvements to the current process of planning and budgeting

Note by the Secretary-General

Summary

The present note is issued pursuant to a request of the Fifth Committee made at its 19th meeting, on 17 November 2003. It includes mock-ups to illustrate the proposed formats of a biennial programme plan and budget outline to be incorporated as parts one and two of the strategic framework proposed by the Secretary-General. In addition, the decisions being sought on the proposals of the Secretary-General regarding improvements to the current process of planning and budgeting are summarized.

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1. The material in the present note was initially provided to the Fifth Committee as supplementary information for its informal consultations on the following three reports:

(a) The report of the Secretary-General on improvements to the current process of planning and budgeting (A/58/395 and Corr.1);

(b) The report of the Advisory Committee on Administrative and Budgetary Questions thereon (A/58/7/Add.5, in particular paras. 6-15);

(c) The report of the Secretary-General on an intergovernmental review of the medium-term plan and the programme budget (A/57/786).

Pursuant to the request made by the Fifth Committee at its 19th meeting, on 17 November 2003, the material is hereby submitted, through the Advisory Committee on Administrative and Budgetary Questions, for the consideration of the Fifth Committee so that it may best report to the General Assembly on those aspects of agenda item 59 which have been referred to it.

2. The supplementary information relates to the recommendations of the Advisory Committee (A/58/7/Add.5). Mock-ups have been prepared to facilitate decision-making by the Fifth Committee at the current session of the General Assembly on the proposal of the Secretary-General for a strategic framework consisting of an improved and renamed medium-term plan (see annex I) and an interlinked and improved budget outline (see annex II), as described in his report on improvements to the current process of planning and budgeting (A/58/395 and Corr.1). That report should be read in conjunction with the report entitled "Intergovernmental review of the medium-term plan and the programme budget" (A/57/786).

3. The two mock-ups are based on current documents to illustrate the very limited changes in format that are being proposed as a consequence of the synchronization of the planning cycle with that of the budget outline and the programme budget. While programme 5, Legal affairs, of the medium-term plan has been chosen to illustrate the types of changes to be made in the format of the biennial programme plan, the revised format would apply to all programmes, as their structure is identical. The format changes are limited to the headings relating to the revised time period covered. The only substantive change envisaged in the plan is the use of a two-year period, which would permit the development of more concrete and specific expected accomplishments and indicators of achievement, as recommended by the Advisory Committee on Administrative and Budgetary Questions in its review of earlier budgets. In the case of the proposed programme budget outline, the current outline is revised to demonstrate how present resource data may be clarified to distinguish changes due to technical factors from those due to programme priorities so as to facilitate an improved linkage between programme-driven priorities and subsequent resource allocations. A new table of strategic programme priorities then presents these in alignment with proposed resource allocations (see annex II, para. 6).

4. The proposals of the Secretary-General respond to the request of the General Assembly contained in paragraph 32 of its resolution 57/300 of 20 December 2002 that he submit a more detailed proposal at the fifty-eighth session for a shorter, more strategic medium-term plan that is linked to the budget outline. The report reflects efforts to ensure a strategic connection between programmes and resource

allocation, to facilitate intergovernmental debate and to avoid duplication and time-consuming efforts in reviewing planning and budgetary documents. This follows the recognition by the Assembly in the same resolution of the need to continue to improve and streamline the planning, programming and budgeting cycle of the Organization.

5. Decisions are sought on the following proposed changes to the planning and budgetary documents and procedures:

(a) The formulation of a strategic framework, comprising:

(i) Part one: a biennial programme plan (to replace the current four-year medium-term plan);

(ii) Part two: a budget outline;

(b) Further modification of the programme budget to include, in each budget fascicle, summary tabulations of outputs for each sub-programme and a detailed catalogue of individual outputs, together with the details of resource requirements, to be provided as supplementary information for the Advisory Committee on Administrative and Budgetary Questions;

(c) The review by the Committee for Programme and Coordination of part one of the strategic framework;

(d) The discontinuation of the review by the Committee for Programme and Coordination of the budget outline (part two of the strategic framework);

(e) The discontinuation of the review by the Committee for Programme and Coordination of the proposed programme budget;

(f) An increase in the attention given by the Committee for Programme and Coordination to monitoring and evaluation matters in order to determine the continuing relevance, efficiency, effectiveness and impact of the work of the Organization.

Annex I

Mock-up of a strategic framework*

Proposed strategic framework for the period 2006-2007

Part One. Biennial programme plan

Programme 5
Legal affairs

Contents

Overall orientation

Subprogramme 1. Overall direction, management and coordination of legal advice and services to the United Nations as a whole

Subprogramme 2. General legal services to United Nations organs and programmes

Subprogramme 3. Progressive development and codification of international law

Subprogramme 4. Law of the sea and ocean affairs

Subprogramme 5. Progressive harmonization and unification of the law of international trade

Subprogramme 6. Custody, registration and publication of treaties

Legislative mandates

* The present mock-up is based on the proposed medium-term plan for the period 2002-2005 relating to legal affairs (A/55/6 (Prog. 5)), which was presented in fascicle form to the Committee for Programme and Coordination for its review in 2000. No attempt has been made to revise the programme for 2006-2007. The mock-up demonstrates the modifications that would be made if the General Assembly approved the Secretary-General's proposed strategic framework. The proposed format changes include: (a) the title of the document; and (b) expected accomplishments and indicators of achievement reflecting a two-year period. No other changes are proposed.

Overall orientation

5.1 The overall objectives of this programme are to contribute to the maintenance of international peace and security through the promotion of and respect for international law and to support the achievement of the other purposes of the United Nations.

5.2 The mandate for the programme derives from the principal decision-making organs of the United Nations in accordance with the Charter of the United Nations and the Statute of the International Court of Justice.

5.3 Within the Secretariat, substantive responsibility for the programme is vested in the Office of Legal Affairs. It provides a unified central legal service for the Secretariat and the principal and other organs of the United Nations, contributes to the progressive development and codification of international public and trade law, promotes the strengthening and development as well as the effective implementation of the international legal order for the seas and oceans, registers and publishes treaties, and performs the depositary functions of the Secretary-General.

5.4 During the plan period, the Office will provide legal advice and services to the decision-making organs of the United Nations and its Member States. It will strengthen respect within the United Nations for the rule of law in international relations, in particular, observance of the Charter and the resolutions, decisions, rules, regulations and treaties emanating from the Organization. Achievement of gender equality will also be addressed, as appropriate, in the activities of the Office, including encouraging Member States to propose women candidates to positions in governing bodies and within the Organization, and in advice provided.

Subprogramme 1
Overall direction, management and coordination of legal advice and services to the United Nations as a whole

Objective (2006 onwards)

5.5 The objective of this subprogramme is to ensure respect for and compliance with all aspects of international and United Nations law.

Strategy (2006-2007)

5.6 This subprogramme is implemented by the Office of the Legal Counsel. The Office will assist the principal and subsidiary organs of the United Nations by providing legal advice and through the preparation of reports and analyses, and participation in meetings. This covers questions relating to international peace and security and includes advice on the interpretation of the Charter, resolutions and regulations of the United Nations, treaties and questions of public international law and questions involving the use of force, sanctions, investigations, commissions of inquiry, expert groups, privileges and immunities, and third-party liability.

5.7 In order to contribute to the discharge of the statutory responsibilities of the Secretary-General on constitutional and procedural questions, the Office will, inter alia, provide legal advice in the form of opinions, memoranda or oral statements. This will cover all aspects of United Nations law, including privileges and

immunities and the status of the Organization in Member States. The Office will prepare and interpret draft rules of procedure and host country conference agreements and other agreements. Questions relating to representation and credentials of States to the United Nations will be assessed as required.

5.8 Legal advice will be provided on specific questions related to public international law as, for example, succession of States, legal disputes, human rights, humanitarian law, war crimes and crimes against humanity, including formulation of statements of a legal nature for the Secretary-General.

5.9 The Office will also carry out secretariat and representational functions for organs and bodies falling within its competence, including the Credentials Committee of the General Assembly, the Committee on Relations with the Host Country and, as appropriate, ad hoc working groups of the Security Council or the Sixth Committee. The Office will also represent the Secretary-General at meetings and conferences sponsored by the United Nations, as required.

Expected accomplishments (2006-2007)[a]

5.10 Expected accomplishments would include greater recourse to international law; greater compliance with the international legal instruments required for the conduct of the United Nations operations; and enhanced understanding on the part of Governments and civil society, of public international law and the functions of the United Nations.

Indicators of achievement (2006-2007)[b]

5.11 Indicators of achievement would include the quality and timeliness of legal advice rendered and of legal instruments finalized; reduction in the number of violations of international legal instruments for the conduct of the United Nations operations; and the quality and impact of studies, analysis and statements on international law.

Subprogramme 2
General legal services to United Nations organs and programmes

Objective (2006 onwards)

5.12 The objective of this subprogramme is to protect the legal interests of the Organization.

Strategy (2006-2007)

5.13 Substantive responsibility for this subprogramme is vested in the General Legal Division. Legal services and support will be provided to assist all parts of the Organization, including offices located away from Headquarters, in the day-to-day administration of their mandates and programmes. These involve: (a) participation

[a] Expected accomplishments would be drafted to reflect specific results to be achieved over a two-year period.
[b] Indicators of achievement would be drafted to measure more specifically the accomplishments expected over a two-year period.

in meetings of Secretariat bodies, such as the Committee on Contracts, the Staff Management Coordination Committee, the Property Survey Board and the Claims Board; and (b) interpretation of certain Articles of the Charter, General Assembly resolutions and decisions, the regulations, rules and other administrative issuances of the Organization and the mandates of programmes and activities in which United Nations organs and bodies are engaged.

5.14 Legal services and support will also be provided for: (a) the peacekeeping operations of the Organization in the contracting for air, land and sea transportation, for rations and logistical support and for personnel and equipment and for resolution of related disputes as well as claims against the Organization resulting from such operations; (b) the Organization's expanded contracting requirements and the reform of procurement; (c) the separately funded programmes, funds and offices for the establishment of programmes of cooperation for development, as well as for the development of new institutional modalities for operational activities and initiatives to counter epidemics and other hazards; (d) assisting in the prosecution and punishment of staff members and others who engage in theft, corruption or other fraudulent activities against the Organization and recovery of assets; and (e) the development of new modalities for cooperating with outside entities in achieving the objectives of the Organization.

5.15 Furthermore, legal services will be provided for matters related to the regulations, rules and other administrative issuances of the Organization and revisions to the personnel appraisal system. The General Legal Division will represent the Secretary-General before the Administrative Tribunal and represent the Organization before other judicial and arbitral bodies.

Expected accomplishments (2006-2007)[b]

5.16 Expected accomplishments would include greater protection of the Organization's legal rights; fewer disputes and other legal difficulties that arise; and compliance with regulations, rules and administrative issuances consistent with the Organization's policies and purposes.

Indicators of achievement (2006-2007)

5.17 Indicators of achievement would include the minimization of the liability of the Organization; a reduction in the number of cases of non-compliance with policies, regulations and rules; a reduction in the number of legal disputes and other difficulties; and timeliness of legal advice in support of the operational needs of the Organization.

Subprogramme 3
Progressive development and codification of international law

Subprogramme 4
Law of the sea and ocean affairs

...

Subprogramme 5
Progressive harmonization and unification of the law of international trade

...

Subprogramme 6
Custody, registration and publication of treaties

...

Legislative mandates

Subprogramme 1
Overall direction, management and coordination of legal advice and services to the United Nations as a whole

General Assembly resolution

13 (I)	Organization of the Secretariat

Subprogramme 2
General legal services to United Nations organs and programmes

General Assembly resolutions

351 (IV)	Establishment of a United Nations Administrative Tribunal
782 B (VIII)	Personnel policy of the United Nations: amendment to the Statute of the United Nations Administrative Tribunal
957 (X)	Procedure for review of United Nations Administrative Tribunal judgements: amendments to the Statute of the Administrative Tribunal

Subprogramme 3
Progressive development and codification of international law

General Assembly resolutions

174 (II)	Establishment of an International Law Commission
487 (V)	Ways and means for making the evidence of customary international law more readily available
987 (X)	Publication of the documents of the International Law Commission

Subprogramme 4
Law of the sea and ocean affairs

United Nations Convention on the Law of the Sea

Articles 16 (2), 47 (9), 75 (2), 76 (9), 84 (2), 287 (8), 298 (6), 312, 313 (1), 319 (1) and 319 (2); articles 2 (2), 2 (5) and 6 (3) of annex II; articles 2 and 3 (e) of annex V; article 4 (4) of annex VI; article 2 (1) of annex VII; and article 3 (e) of annex VIII.

General Assembly resolutions

49/28	Law of the Sea
52/26	Oceans and the law of the sea
53/33	Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments
54/32	Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
54/33	Results of the review by the Commission on Sustainable Development of the sectoral theme of "Oceans and seas": international coordination and cooperation

Annual resolutions adopted by the General Assembly on the item entitled "Oceans and the law of the sea"

Subprogramme 5
Progressive harmonization and unification of the law of international trade

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2205 (XXI)	Establishment of the United Nations Commission on International Trade Law

Annual resolutions adopted by the General Assembly on the work of UNCITRAL

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Custody, registration and publication of treaties

Article 102 of the Charter of the United Nations

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24 (I)	Transfer of certain functions, activities and assets of the League of Nations
97 (I)	Registration and publication of treaties and international agreements: Regulations to give effect to Article 102 of the Charter of the United Nations

364 (IV)	Registration and publication of treaties and international agreements
482 (V)	Registration and publication of treaties and international agreements
33/141	Registration and publication of treaties and international agreements pursuant to Article 102 of the Charter of the United Nations
51/158	Electronic treaty database
54/28	United Nations Decade of International Law

Annex II

Mock-up of a budget outline*

Proposed strategic framework for the biennium 2006-2007

Part Two. Proposed programme budget outline for the biennium 2006-2007

Report of the Secretary-General

Summary

By its resolution 41/213 of 19 December 1986, the General Assembly, inter alia, requested the Secretary-General to submit, in off-budget years, an outline of the proposed programme budget for the following biennium. Accordingly, the outline for the biennium 2006-2007 is hereby submitted. Pursuant to General Assembly resolution 55/XXX, the outline for the biennium 2006-2007 is hereby submitted as part two of the proposed strategic framework. The outline reflects the priorities established in part one, the biennial programme plan, of the strategic framework and takes into account the views of the Committee for Programme and Coordination thereon. The level of the contingency fund for the biennium 2006-2007 is recommended to be set at 0.75 per cent of the overall level of the proposed programme budget outline.

* The budget outline for the biennium 2004-2005 (A/57/85) has been used as the basis for this mock-up. The proposed changes include the title of the document; additional references in the text to the location of resource changes (herein); the inclusion of a new table in paragraph 6; and expansion of the preliminary indicative estimates for the biennium (appendix).

I. Introduction

1. In accordance with the provisions of annex I to General Assembly resolution 41/213 of 19 December 1986, the Secretary-General submits, in off-budget years, an outline of the programme budget for the following biennium, which should contain an indication of the following:

(a) Preliminary estimate of resources to accommodate the proposed programme of activities during the biennium;

(b) Priorities, reflecting general trends of a broad sectoral nature;

(c) Real growth, positive or negative, compared with the previous budget;

(d) Size of the contingency fund expressed as a percentage of the overall level of resources.

Pursuant to General Assembly resolution 58/XXX, the outline for the biennium 2004-2005 is hereby submitted as part two of the proposed strategic framework. The outline reflects the priorities established in part one, the biennial programme plan, of the strategic framework and takes into account the views of the Committee for Programme and Coordination thereon. The Secretary-General will submit reform proposals pertaining to the continued process of strengthening the Organization in September to the General Assembly at its fifty-seventh session. Any implications that the reform would have for the proposed programme budget outline will be addressed at the fifty-seventh session.

II. Preliminary estimate of resources needed to accommodate the proposed programme of activities during the biennium

2. In establishing a preliminary estimate of resources for the biennium 2004-2005, the approved level of appropriations and related commitments, namely, $2,699.9 million, was taken as the starting point. These existing provisions consist of the initial appropriation of $2,625.2 million, a subsequent commitment of $0.7 million authorized by the General Assembly for the comprehensive implementation of and follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (part VI); and decisions, as of the time of writing, taken in informal consultations of the Fifth Committee including $59.3 million for strengthening the security and safety of United Nations premises (part VIII); $12.6 million for the United Nations Assistance Mission in Afghanistan (special political missions); and $2.1 million for the United Nations Tajikistan Office for Peace-building (special political missions). The preliminary estimate, expressed in 2002-2003 prices, has been arrived at as follows:

Proposed programme budget outline for 2004-2005		*Millions of United States dollars*
Appropriations for 2002-2003[a]		2 699.9
Plus: Full provision for new posts approved in 2002-2003 (para. 3)	25.3	
Less: One-time costs in 2002-2003 (para. 4)	(47.8)	
Plus: Provision for appropriate information technology and common services infrastructure (para. 5)	29.8	
Plus: Provision for new or expanded activities/events foreseen and/or mandated in 2004-2005 (para. 6)	40.5	
Changes		**47.8**
Subtotal		**2 747.7**
Additional provision required for special political missions at the current programme level		**110.2**
Preliminary estimate for established activities 2004-2005		**2 857.9**

[a] Includes initial appropriation, subsequent commitments and decisions as of the time of writing taken in informal consultations of the Fifth Committee, yet to be confirmed by formal meetings of the Fifth Committee and of the plenary of the General Assembly.

A. Full provision for new posts

3. It will be recalled that for the programme budget for the biennium 2000-2001, the General Assembly decided, on the recommendation of the Advisory Committee on Administrative and Budgetary Questions, that provisions for new posts at the Professional level and above should be costed at 50 per cent. The same procedure was followed for the biennium 2002-2003. The full biennial provision in 2004-2005 for those posts which were newly established in the biennium 2002-2003 and at present are only partially funded in the 2002-2003 biennium would require an additional $25.3 million in the biennium 2004-2005 (see appendix). This additional provision is required to maintain the regular budget established post staffing table at the same level of posts as has been already approved for the biennium 2002-2003. It is anticipated at present that in preparing the proposals for the biennium 2004-2005 consideration will be given to costing all new post proposals on a full-cost basis to avoid the delayed impact of growth in the biennium 2004-2005, prejudicing the level of estimates for the biennium 2006-2007.

B. One-time costs in 2002-2003

4. One-time costs in 2002-2003 amounting to $47.8 million would not be required. Those provisions relate mainly to one-time construction costs associated with security enhancements at Headquarters (parts VIII and XI) and offices away from Headquarters. In addition, these are non-recurrent costs for substantive and public information support for the special session of the General Assembly and associated plenary meetings on children and for special conferences on financing for

development, the Second World Assembly on Ageing and the World Summit on Sustainable Development (parts, IV, V and VII). For the purpose of the present report, all costs provided in 2002-2003 for special political missions have been treated as being of a recurrent nature.

C. Provision for appropriate information technology and common services infrastructure

5. These preliminary estimates for the biennium 2004-2005 include a provision of $29.8 million in respect of the need to ensure that information technology and common services facilities infrastructure are brought to levels which will not prejudice programme delivery (see appendix). Attempts to provide adequate services to delegations and programmes within the reduced level of real resources available in the biennium 2002-2003 have only been partially successful. Some limited efficiencies have been realized as a result of following a more disciplined meeting schedule. However, some of the other service cutbacks, while reducing the level of expenditures, have had the undesired effect of negatively impacting the quality of service delivery and cannot be sustained in the long run without becoming counterproductive and reducing productivity. Accordingly, a limited allocation of resources to supplement information technology and common services is envisaged to be distributed across the parts of the budget which were affected by the economy measures instituted, consequent upon the adoption of the 2002-2003 initial appropriations.

D. Provision for programme changes in 2004-2005

6. During the biennium 2004-2005, implementation of the programme budget will include continued reinforcement of programmes to enhance capacity for meeting the United Nations Millennium Declaration goals in accordance with the strategies outlined in the "Road map" (A/56/326). Additional resources related to key programme changes in the amount of $40.5 million are foreseen, summarized as follows:

[New table]

Programme budget part	Provision for non-recurrent activities/projects mandated in 2004-2005 (thousand of United States dollars)	Resource growth (percentage)	Key programme changes
I	2 989.4	0.6	Policy-making organs, Executive Office of the Secretary-General, United Nations Office at Nairobi
II	2 899.8	1.9	Peace-building activities
III	886.5	1.5	Strengthening of the United Nations International Trade Law Branch
IV and V	16 272.3	5.5	Special session of the General Assembly on small island developing States, special session of the General Assembly on population and development, Eleventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, special session of the General Assembly on the World Summit for Social Development
VI	4 758.9	1.6	Human rights activities related to treaty implementation, right to development and special procedures, humanitarian assistance activities related to improving coordination of assistance in emergencies and disasters
VII	1 013.0	0.7	Public information activities in support of the major conferences as mentioned above
VIII	2 725.5	0.6	Security protection improvements
IX	101.5	0.5	Increase in investigation caseload
X	80.0	0.1	Increase in inter-organizational security measures
XI	1 498.9	4.0	Major maintenance
XII	5 248.9	1.5	Staff assessment
XIII			
Established regular budget activities, 2004-2005	**40 474.8**	**1.6**	

E. Special political missions

7. The General Assembly initially authorized some $98.4 million to be available in the biennium 2002-2003 to provide funding for such special political missions as might be authorized by the Assembly and the Security Council. Subsequently, some $14.7 million of additional resources (i.e., $12.6 million for the United Nations Assistance Mission in Afghanistan and $2.1 million for the United Nations Tajikistan Office for Peace-building) was approved under revised appropriations considered at the second part of the resumed fifty-seventh session. While the combined revised provision of $113.1 million could have been maintained in the outline for the 2004-2005 programme budget, such a course would seriously underestimate likely requirements as it would provide only about half of currently anticipated biennial requirements. It is estimated that full biennial provision in 2004-2005 for special political missions currently existing in the biennium 2002-2003 would amount to $223.3 million, thus requiring an increase of $110.2 million. While the present composition of special political missions will change somewhat in the biennium 2004-2005, it is not anticipated that the overall level will trend downwards.

8. Special political missions clearly exhibit characteristics which set them apart from other activities of the Organization financed from the regular budget. The structures in each of those missions do not form a part of the organizational structure of the United Nations Secretariat. Their activities are directed towards operational matters and as such do not lend themselves to full integration with the work programme of the Secretariat. The procedures followed for the initiation of the missions, either through the Security Council or the General Assembly, do not follow the normal programme planning and budgeting cycle. They may be, and are, approved at any point of the calendar. Accordingly, their timing and the related resource requirements have consistently proven almost impossible to predict accurately. **Under the circumstances, the General Assembly may wish to consider whether special political missions are susceptible for treatment within the present regular budget procedures for estimating requirements in the budget outline and subsequent programme budgets.**

9. The Secretary-General intends to maximize the output effectiveness of the resources committed. The proposed programme budget for the biennium 2004-2005 will be subjected to the most intensive internal scrutiny within the Secretariat, and will clearly focus on what is to be delivered by way of the accomplishments expected of the programme with the resources committed. In particular, the review will include an item-by-item examination of programme outputs to ensure their contribution and relevance, under approved strategies, for the fullest possible achievement of expected accomplishments. Thus the budget proposals will reflect the benefit of further reviews of possible obsolete activities, additional cost-effective measures and simplified procedures.

F. Recosting

10. The outline requirements would be subject in due course to recosting to biennium 2004-2005 costs. Such a recosting exercise will reflect, inter alia, changes due to both inflation and exchange rates. Experience has proven that exchange rates cannot be reliably predicted for the time periods involved. However, inflation

adjustments may be more closely approximated at this stage and would extend to about $179.9 million on the assumption of cumulative annual inflation rates of 3.1 per cent prevailing through 2005. Accordingly, total requirements for the biennium 2004-2005 adjusted for inflation, but not yet for exchange rates, would amount to $3,037.8 million.

III. Priorities reflecting general trends of a broad sectoral nature

11. The following priorities in the medium-term plan for the period 2002-2005 were approved in section I of General Assembly resolution 55/234 of 23 December 2000: maintenance of international peace and security; promotion of sustained economic growth and sustainable development in accordance with relevant General Assembly resolutions and recent United Nations conferences; development of Africa; promotion of human rights; effective coordination of humanitarian assistance efforts; promotion of justice and international law; disarmament; and drug control, crime prevention and combating international terrorism in all its forms and manifestations. **It is proposed that the programme budget for the biennium 2004-2005 should also manifest these priorities.** The proposed distribution of resources by parts of the budget is shown in the appendix.

IV. Real growth compared with the previous budget

12. **The preliminary estimate ($2,634.6 million), before inclusion of special political missions, represents an increase of $47.8 million, or 1.8 per cent, compared with the approved appropriations and related provisions for the biennium 2002-2003. Nearly two thirds of this increase relates to the supplementary provision for information technology and common services infrastructure required as a consequence of currently existing deficiencies. Once account is taken of the full inclusion of required provisions for special political missions, the total preliminary estimate of $2,857.9 million would represent an increase of $158.0 million, or 5.8 per cent, compared with existing provisions for the biennium 2002-2003.**

V. Size of the contingency fund

13. The size of the contingency fund was set at 0.75 per cent of the overall level of resources for the first outline and for all subsequent ones. **It is recommended that the level again be set at 0.75 per cent, or $21.4 million, for the biennium 2004-2005.**

[New table]

Appendix

Preliminary indicative estimates for the biennium 2004-2005

(Thousands of United States dollars)

Programme budget part	2002-2003 appropriation	Estimate changes: One-time costs in 2002-2003	Full provision for new posts approved in 2002-2003	Provision for information technology	Provision for common services infrastructure	Provision for new/expanded activities/events foreseen/mandated in 2004-2005	Subtotal	Growth (percentage)	Total
I. Overall policy-making, direction and coordination	499.1	(0.2)	1.3	0.5	0.6	3.0	5.2	1.0	504.3
II. Political affairs (not including special political missions)	149.8	–	1.4	0.4	0.9	2.9	5.6	3.7	155.4
III. International justice and law	59.1	–	0.4	0.3	0.3	0.9	1.9	3.2	61.0
IV. International cooperation for development	273.1	(1.3)	3.9	0.7	0.5	10.0	13.8	5.1	286.9
V. Regional cooperation for development	337.1	(1.0)	3.5	0.5	2.0	6.2	11.2	3.3	348.3
VI. Human rights and humanitarian affairs	133.0	–	2.7	0.2	0.2	4.8	7.9	5.9	140.9
VII. Public information	144.7	(0.9)	1.6	0.4	1.0	1.0	3.1	2.1	147.8
VIII. Common support services	440.9	(2.6)	4.7	6.3	14.1	2.7	25.2	5.7	466.1
IX. Internal oversight	20.3	–	0.3	0.1		0.1	0.5	2.5	20.8
X. Jointly financed administrative activities and special expenses	79.4	–	1.3		0.2	0.1	1.6	2.0	81.0
XI. Capital expenditure	87.3	(41.8)	–	0.6	–	3.5	(37.7)	(43.2)	49.6
XII. Staff assessment	349.9	–	4.2	–	–	5.2	9.4	2.7	359.3
XIII. Development Account	13.1	–	–	–	–	–	–	–	13.1
Regular budget established activities 2004-2005	**2 586.8**	**(47.8)**	**25.3**	**10.0**	**19.8**	**40.4**	**47.7**	**1.8**	**2 634.5**
Provision for special political missions	113.1	–	–	–	–	110.3	110.3	97.5	223.4
Total	**2 699.9**	**(47.8)**	**25.3**	**10.0**	**19.8**	**150.7**	**158.0**	**5.9**	**2 857.9**

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Fifty-eighth session
Agenda item 19
Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Note verbale dated 12 November 2003 from the Permanent Mission of St. Kitts and Nevis to the United Nations addressed to the President of the General Assembly

The Permanent Mission of St. Kitts and Nevis to the United Nations presents its compliments to the President of the General Assembly and has the honour to advise of the interest of St. Kitts and Nevis in becoming a member of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples during the proceedings of the fifty-eighth session of the General Assembly.

The Permanent Mission would greatly appreciate if this could be brought to the attention of the Committee.

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Fifty-eighth session
Agenda items 10 and 32

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Question of the Falkland Islands (Malvinas)

Letter dated 11 November 2003 from the Permanent Representative of Argentina to the United Nations addressed to the President of the General Assembly

I have the honour to write to you in connection with the letter from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland of 10 September 2003 (A/58/408), to which is annexed the text of the written statement made by the British delegation in exercise of the right of reply to the statement made by Néstor Carlos Kirchner, President of the Argentine Republic, on 25 September 2003 in the General Assembly. In this regard, the Argentine Government endorses every word of the statement in question.

With respect to the reference to self-determination in the British statement, the Argentine Government reaffirms the need to apply the principle of territorial integrity to the special and particular colonial situation under the item on the question of the Malvinas Islands. In this context, we would refer to the provisions of the relevant resolutions of the General Assembly and the Special Committee on Decolonization, in particular General Assembly resolution 2065 (XX) and subsequent resolutions on this question, which call on Argentina and the United Kingdom to resume bilateral negotiations with a view to finding as promptly as possible a just, peaceful and definitive solution to the sovereignty dispute, bearing in mind the interests of the population of the islands. In addition, the Argentine Government reaffirms its interpretative declaration concerning the Millennium Declaration of 8 September 2000, which is annexed to the Argentine letter of the same date (A/55/371).

The Argentine Government wishes to clarify that, in addition to the 1999 joint statement cited in the written British statement, there are other valid provisional understandings with the United Kingdom relating to sovereignty formula which safeguard the position of the Argentine Republic in the sovereignty dispute over the Malvinas, South Georgia and the South Sandwich Islands and the surrounding maritime areas. The Argentine Republic considers that these provisional

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understandings, in addition to resulting some practical problems in the South Atlantic, are conducive to the renewal of bilateral negotiations on sovereignty.

The Argentine Government would point out that the persons from the Malvinas Islands who participated in the meeting of the Special Committee on Decolonization on 10 June 2003 did so as petitioners, without any of the representative status which the written statement of the United Kingdom claims for them and which the Argentine Republic rejects.

The Argentine Government reaffirms its rights of sovereignty over the Malvinas, South Georgia and the South Sandwich Islands and the surrounding maritime areas, which form an integral part of its national territory.

I request you to have the text of this present note circulated as a document of the General Assembly, under agenda items 19 and 32.

(Signed) Arnoldo M. **Listre**
Ambassador
Permanent Representative